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PRIMACY OF ENGLAND

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The

Primacy of England

SAMUEL F. HULTON
of the inner temple, Barrister-at-law

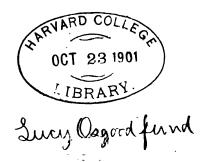
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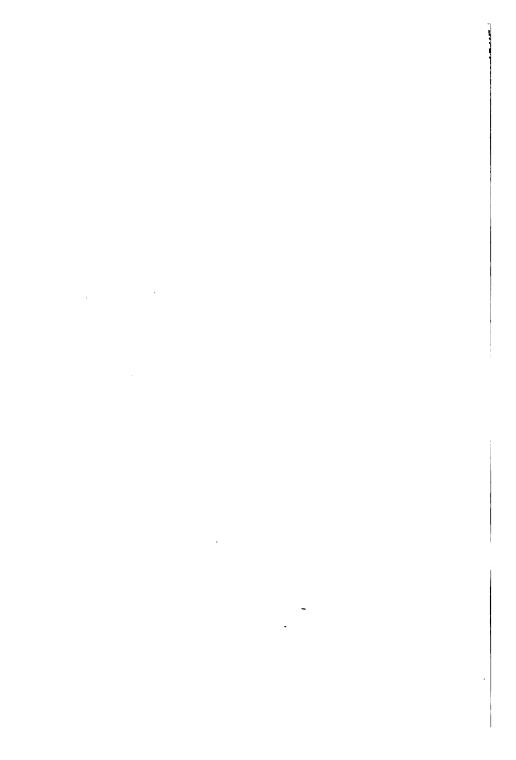
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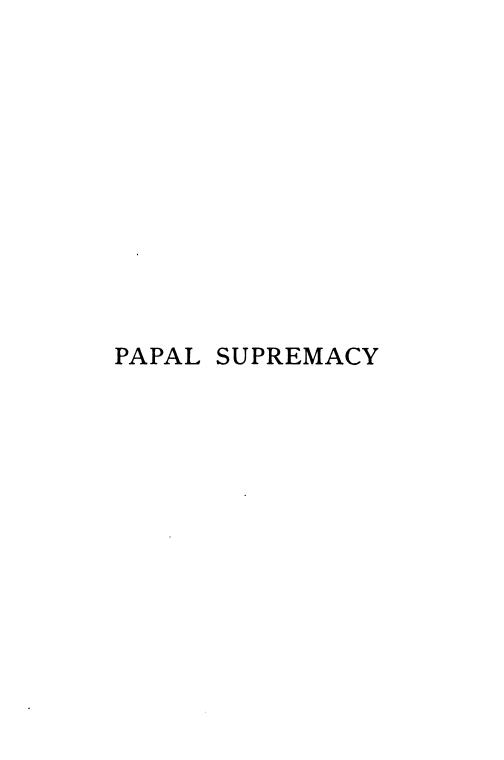


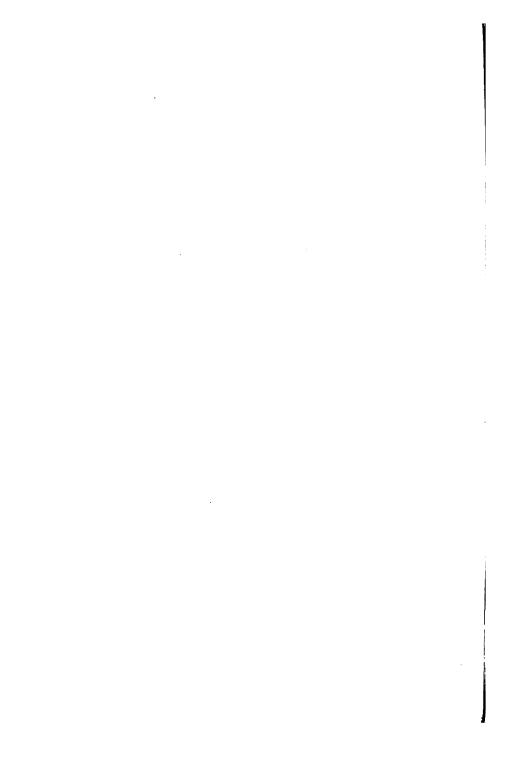
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CHAPTER I.

CANTERBURY DISDAINS AN EQUAL

AUTHORITIES: Bede, Historia Ecclesiastica; Historians of York (Rolls Series); William of Malmesbury (Rolls Series); Haddan and Stubbs, Ecclesiastical Documents.

'Ut dignitatum ordo servetur, si quis indebitum sibi locum usurpaverit, nulla se ignorantia defendat, sitque plane sacrilegii reus.'

—Theodosian Code.

THE struggle between the Archbishops of England for precedence and priority of session in synod and national assembly, for the right of crowning kings and of holding the Roman legation; that active rivalry, from which resulted the strange isolation which still marks the relations of the two provinces to one another, began in this wise.

In the year 1070 William the Conqueror nominated Thomas of Bayeux to succeed Archbishop Aldred at York, and Lanfranc, Abbot of Caen, to fill the room of the deposed Stigand at Canterbury. Now, on this occasion, the rule laid down of old time by Pope Honorius, that, on the death of one of the two Metropolitans of Britain, the survivor of the twain should consecrate a

successor to his departed brother, could not be followed; and Lanfranc accordingly was 'hallowed' in his own episcopal see by eight bishops, his suffragans. course was not open to Thomas. The presence of three prelates at least was required at the consecration of a bishop; and though the northern province nominally included Scotland, the Archbishop of York had at this time practically but one suffragan, Aethelwine of Durham, an outlaw. When therefore he came to Canterbury to be 'hallowed,' Lanfranc demanded of him a profession of obedience with an oath thereon. This Thomas refused to give, unless first he saw writing of authority and evident reason whereby he could do so without prejudice to his Church; and though the proofs he craved were produced to him, he would in no wise give way. Then Lanfranc waxed wroth, and bade the bishops who were come thither to do the service, and all the monks, to unrobe themselves; and by his command so they did. Thus Thomas for that time departed without the blessing (William of Malmesbury, Gest. Pont., 39).

'The Elect of York acted thus,' writes William of Malmesbury, 'more from lewdness of wit, than rebelliousness and pride of heart; for he was a new man and beguiled by flattering words, nor knew he the customs and usages of England.' Hugh the Chantor, the Yorkist chronicler, on the other hand, declares this demand of an express profession of obedience to be unprecedented. 'I marvel greatly,' writes another northern writer of the twelfth century, 'how anyone dared, in spite of tradition, and with contempt of the apostolic

precept "in honour preferring one another," to unravel the garment of unity and concord which until the coming of the Normans had been preserved intact by the Churches of the English, and to break down the system of brotherly equality on which those Churches had been founded.'

The original scheme of government, designed by Gregory the Great for the Church of Britain, is set forth in a letter written by him to Augustine in the year 601. 'We license you to ordain twelve bishops in such places as be under your jurisdiction, but so that the Bishop of London be ever hereafter consecrated of his own synod, and receive his pall of this Holy and Apostolic See. Also we will that you send a bishop to York, so that if that city and the region round about it receive the word of God, the said bishop be authorised to make twelve other bishops, and be himself their metropolitan, for we intend to give him also a pall if we live. Let him nevertheless be subject to your jurisdiction, but after your death so have the oversight of the bishops whom he shall make, that he in no wise be subject to the Bishop of London. Betwixt London and York let there be this difference, that he be the higher which is first ordained. We will further that unto you be subject not only the bishops whom you or the Bishop of York may ordain, but all the priests of Britain, that you may be unto them a pattern both to live and believe aright' (Bede)'.

¹ Gregory's letter illustrates the difference in point of jurisdiction between the offices of 'primate,' 'metropolitan,' and 'bishop.' The bishop presided over the 'parish,' or 'diocese' in its modern sense.

This plan for the division of the whole Island into two provinces of London and York, the southern to include Wales, the northern Scotland, to be administered by two metropolitans of equal rank, with twelve suffragan bishops apiece, was never fully realized.

Metropolitical dignity arose, as did some other ecclesiastical dignities, out of the civil organisation of the Empire; and from a very early date the bishop of the civil metropolis in each province, under the title, 'chief bishop,' 'head,' or 'exarch' of the province, 'archbishop' or 'primae sedis episcopus' (whence 'primate'), was, first by custom and later by canon, invested with superiority over his comprovincial brethren; ordained them, decided their disputes, and heard appeals from them; called and presided over provincial synods; visited sees; and took charge of vacant bishoprics. In the Western Church each province long remained a separate ecclesiastical unit, no appeal lying from a provincial synod or a provincial metropolitan except to Rome; but after the eighth century, when a new distinction of rank was introduced, the word 'primate,' which had been originally equivalent to 'metropolitan,' was used, much in the same sense as 'patriarch' had long been employed in the East, to signify the new ecclesiastical officer who presided over a group of provinces, or 'diocese' in its ancient sense: and who was privileged to exercise over metropolitans within that group much the same command which they in their turn exercised over bishops. His primatial cross with two bars or double traverse marks the union in him of two powers, namely, that of metropolitan in his own province, and that of president over other metropolitans. Pope Gregory's scheme of government then, after providing for the appointment of bishops in England, named London and York mother-cities and chief centres of future ecclesiastical provinces, as though they still retained the commanding position which they had occupied during the Roman occupation of Britain; and then proceeded to confer upon Augustine for life, if not upon his successors at Canterbury, a patriarchal or primatial jurisdiction over the metropolitans of London and York.

Although the honours destined by Gregory for London were to adorn Canterbury, the former see put forward on several occasions claims to metropolitical rank. Thus Archbishop Anselm was compelled to beg the Pope to refuse the grant of a pall which Richard de

In the year 604 Mellitus was consecrated bishop of London by Augustine; but when the latter died soon afterwards, the transfer of the seat of the southern archbishop from the metropolis to a dependency of Kent was impracticable for political reasons, and some years later was rendered impossible by the apostacy of the East Saxons. Merlin's prophecy 'Dignitas Londoniae adornaret Doroberniam' found fulfilment. By the time of Archbishop Justus (624), the archiepiscopal see had become definitely established at Canterbury; and save when King Offa secured the elevation of Lichfield to metropolitical rank (787-803), its supremacy in the southern province has never been seriously imperilled (Haddan and Stubbs, *Eccles. Doc.*, iii. 66).

The fortunes of York have been far different. In the year 625 Paulinus, one of Augustine's followers, came to the Northumbrian court, and, on the conversion of King Edwin, became bishop of a kingdom stretching from Humber to Forth, and including the isles of Anglesea and Man. But scarcely had he entered upon the duties of his office, when Edwin was defeated and slain at Hatfield by the allied forces of Penda and

Belmeis was about to ask of him (Eadmer, Hist. Nov., 202). Gilbert Foliot, again, defied Thomas Becket on the ground that London ought of right to be an independent metropolitical see (Letters of John of Salisbury). Still later, William Fitzstephen, in his description of London, writes: 'In the Church of St. Paul there is an episcopal chair. Formerly it was the metropolitical chair, and it is believed that it will be so again "when the citizens shall return to the island." But perhaps the archiepiscopal title and the corporeal presence of the blessed martyr Thomas will suffice to preserve the dignity of Canterbury intact for ever.'

Cadwallon; and before even the pall sent by Pope Honorius had reached his hands, the Archbishop of Northumbria fled into Kent (633).

For more than a century the see did not recover metropolitical rank. During the earlier part of this period, after the restoration of Christianity by King Oswald (635), the northern province was administered by bishops of Lindisfarne, members of the unorthodox Celtic Mission, such as refused to accept the Catholic observance of Easter and the wearing of a round-shaven tonsure; and by them the seat of the Northumbrian bishopric was removed from York, which was still the headquarters of the remnant of the Roman School, to Holy Island, a spot at once more convenient to the royal castle of Bamborough, and in its physical features more congenial to these wanderers from Iona. Meanwhile Gregory's scheme seems to have been wholly forgotten; for when, after the discomfiture of the Celtic party at the Council of Whitby (664) and the subsequent retirement of the Mission to Scotland, Bishop Wilfrid restored the episcopal see to York, he failed to secure a pall for himself. Nor did Oswy, king of Northumbria, assert the rights of the Church of which he was the patron; but, in the desire for uniformity of ritual and observance, joined Egbert of Kent in despatching Wighard to Rome, that, being hallowed Archbishop of Canterbury, he might ordain Catholic bishops throughout Britain; and when Wighard died without receiving consecration, he accepted in his stead the papal nominee Theodore of Tarsus (680). Thus Theodore became, in

the words of Bede, 'the first archbishop to whom the whole Church of the English consented to submit itself.' that Church which had been evangelized by Romans in Kent, by Scoto-Irish in Northumbria, by Burgundians in East Anglia, and by Franks in Wessex. Under the style 'Dei gratia Archiepiscopus Britanniae Insulae' he presided with the sanction of four kings, over the episcopal council at Hatfield (680); as sole primate, he visited the whole of England, establishing the Roman rule of Easter, and divided, without consulting Wilfrid. the vast diocese of Northumbria into the sees of York. Hexham, Witherne and Lindisfarne. The archbishops who succeeded him, Brihtwald (693-731), 'Bretone Heahbiscop,' and Tatwin, 'primas totius Insulae,' exercised pastoral control in the north, convoking Church councils and compelling the attendance thereat of bishops of York; and it was on this exercise of undisputed spiritual jurisdiction throughout the various temporal kingdoms of the land that the successors of Augustine relied in later days as proof, not only of superiority to their northern rivals, but also of their right to patriarchal dignity throughout Britain.

Not until the year 735 did Egbert of York, at the suggestion of Bede, recover archiepiscopal rank for his see, and southern primates revert to the more modest position and style of Archbishops or Metropolitans of Canterbury (Haddan & Stubbs, *Eccles. Documents*, iii. 319, 340, 397). Wars and civil disturbance however soon checked any further realization of Gregory's scheme for the Northern Church. Towards the close

of the eighth century the bishoprics of Hexham and Witherne were crushed under the pressure of the invading Scots. Lindisfarne was ravaged by the Danes in 793; its monastery was destroyed in 875; and the see suffered many changes and chances before the bones of St. Cuthbert found final resting-place at Durham in 995. But in spite of these losses, and although their province was impoverished and their title as metropolitans depended upon the grudging obedience of the bishops of Durham and the intermittent submission of their Scottish suffragans, archbishops of York occupied a position of no small importance in the days of West-Saxon supremacy. They were great landowners; and returns in Domesday show that the domains, which had already been appropriated to their archiepiscopal see before the Conquest, were in extent little, if at all, inferior to those of Canterbury. They were representatives of a distinct and dangerous nationality of Northmen; and the fact that, though the bulk of their estates lay in Yorkshire, the remainder was distributed through Leicestershire, Nottinghamshire, Gloucestershire and Hampshire, and that they were permitted to hold the see of Worcester themselves or to present to it some near kinsman, points to the conclusion that south-country monarchs had adopted a line of policy which the Conqueror subsequently followed in bestowing upon York additional endowments in the counties of Lincoln and Gloucester; and that they had already recognised the importance of not leaving the interests, as well as the influence, of such weighty

politicians to be confined wholly to the north.' In these days too, the attendance of archbishops of York at southern gemots was looked upon as to some extent a pledge for the allegiance of Northumbria, and was secured by the inclusion of Nottinghamshire, a Mercian county, in the northern province; while their association with southern archbishops in the unction and coronation of West-Saxon monarchs was designed to signify the acceptance of a new king, by the northern

¹ At the Conquest such of the endowments of the various English sees as remained in the time of Edward the Confessor were in no case confiscated, or their titles even called in question. 'In the case of ecclesiastical property, the will and seal of Eadward was as good as William's,' and the lands of the English archbishops and bishops passed as a matter of routine to their Norman successors.

In Domesday, Lanfranc is returned as holding land in above a hundred manors, of which some sixty are in Kent, the remainder being distributed through Sussex, Essex, Surrey, Middlesex, Hertford, Bucks, and Oxon.

Thomas of York is represented in fewer counties than Lanfranc, but with a larger number of manors in which he held land. His name appears in six counties only, but with 130 manors. Still, as the quantity of land held in several seems to have been extremely small, the total would not perhaps be greater than that held by Canterbury. Seventy-seven manors in Yorkshire, nine in Nottinghamshire, five in Leicestershire, and one in Hampshire, seem to have already belonged to the archbishops of York. Of thirteen in Gloucestershire, two only are entered as having been held by Archbishop Aldred, Thomas' predecessor; and the rest, together with twenty-five in Lincolnshire, seem to have been conferred upon the Archbishop by the Conqueror for political reasons (Domesday Studies, ii. 405).

The respective values of the archiepiscopal sees in later times were as follows:—

I. 'Taxatio Ecclesiastica of Pope Nicholas IV' begun in 1288, when the Pope granted the tenths of all ecclesiastical benefices to Edward I for six years, towards defraying the expense of an expedition to the Church as its patron and protector, and by the northern nation as the sole representative of the three-fold sovereignty of West-Saxons, Mercians and North-umbrians.

Holy Land. By this assessment all taxes, payable as well to our kings as to popes, were regulated until the survey made in the twenty-sixth year of Henry VIII. (Record printed in 1802 by order of George III.)

(I) Canterbury—			
Spiritualities—	£	s.	d.
Page 3. Church of Cranebrook in the dean-			
ery of Cherring	· 26	13	4
Page 138. Church of Maghefeud in the dean-			
ery of South Malling	· 60	0	0
Temporalities—			
Page 6. Net value of nineteen manors in	ı		
Kent	- 1355	8	I
Pages 13, 14 b. Property in London and	l		
Middlesex	130	15	0
Pages 139 b, 140. Property in diocese of	:		
	354	0	10 1
Page 206. Property in diocese of Winchester	65	0	0
	Croox		
(2) York—	£1991	17	34

Page 325. Archiepiscopus Ebor, habet in omnibus suis bonis temporalibus et spiritualibus ubicunque in Anglia 1333 6 8

In the year 1318, however, a fresh taxation, entitled 'Nova Taxatio,' was made as to some part of the province of York; chiefly on account of the invasion of the Scots, by which the 'poor boraile' clergy were rendered unable to pay the former tax; and under this new assessment York was rated at £666 13s. 4d.

A taxation of the time of Richard II includes the Church of Reculver in the Deanery of Westbere, value £113 6s. 8d., among the spiritualities of Canterbury (Thorn in Twysden, Decem Scriptores, 2164; Somner and Batteley, Antiq. of Canterbury, Append. to Supplement, no. xI, a). Another 'Taxatio,' under Henry VI, includes Reculver, and an interest of the value of £40 in the church of North-

In short, from the days of Archbishop Egbert, archbishops of York claimed to preside over a Church,

flete in the diocese of Rochester, among the spiritualities, and property in Trenge in the archdeaconry of Huntingdon, worth £80 18s. 5d., among the temporalities of the see. The half of a tenth of the spiritualities and temporalities of the Archbishop at this time amounted to £111 18s. $4\frac{1}{3}d$; while the see of York was still being taxed according to the 'Nova Taxatio' above-mentioned, the half of a tenth of the spiritualities and temporalities, amounting to £33 6s. 8d. (Taxatio

Ecclesiastica (1802), pp. 295-6).

II. 'Valor Ecclesiasticus,' formed for the purpose of carrying into effect the provisions of 26 Henry VIII, c. 3, which granted to the king and his heirs the first fruits, that is the clear revenue and profits for one entire year, and the tenths, or tenth part of such clear annual revenue, of all ecclesiastical benefices and promotions spiritual from archbishopric to free chapel. This new survey was rendered necessary because, since the 'Taxatio Ecclesiastica' of Pope Nicholas IV, 'a great change had taken place in the value, as estimated in money, of most of the dignities and benefices, probably in all; a great change had taken place in their relative values; and there had arisen in the interval innumerable foundations of the species denominated Chantries, from which a large revenue was about to be derived' (Record printed by command of George III, 1810).

(I) Canterbury (vol. i. p. 7)—

Clear value of all and singular manors, rectories, lands, etc., belonging to the see - 3005 18 Annual value of procurations and synodals -18 institutions and inductions faculties 200 Clear annual value of archbishopric 3233 18 Tenth of annual value 323

The estimate of the annual value of faculties was subsequently reduced by Edward VI to £60, and the see was rated at a clear annual value of £3093 18s. 8d.

(2) York (vol v. p. 1)-

The returns for the diocese of York are in many parts imperfect. The archbishopric was assessed in the third year of Queen Elizabeth at £1609 19s. 2d.

which, if inferior in point of wealth and the number of its suffragans, was in dignity equal to that of Canterbury. In the solemn attestations of the two metropolitans to royal charters, decisions of national assemblies

Strype (Annals, I, pt. i. 227), quoting from Secretary Cecil's papers, declares the current reputed value, in 1559, of Canterbury to have been £2900, of York £1000; reductions in value probably due to the considerable fraudulent alienations of lands, and exchanges of their most desirable estates for tithes, forced upon the Archbishops by the Queen. Estimates of the income of the archiepiscopal sees continued to be based upon the 'Valor Ecclesiasticus' until the year 1832. Ecton, in his Thesaurus Rerum Ecclesiasticarum, 2nd ed. (1754), declares the archbishopric of Canterbury to be estimated for first-fruits at £2682 123. 2d., and York to be rated for tenths at £1610.

III. Report of ecclesiastical commission, consisting of eighteen laymen and the Archbishops of Canterbury and York and the Bishops of London, Durham, Bangor, and Lincoln, appointed by writ of the Privy Seal, dated 23 June, 1832, 'to inquire into the revenue and the patronage of the Established Church of England and Wales.'

(I) Canterbury—

Income from rents, etc., £10647; from fines on the renewal of leases, £6636; from houses, etc., £1224; from woods, £1872; from quit-rents, etc., £1694; and from dividends, £143.

Total annual income	-	£22216
Permanent annual payments -	-	3034
Annual net income -	_	£10182

(2) York-

Income from rents, £3017; from fines, £9405; from houses, etc., £813; from woods, £188; from quit-rents, etc., £350; and from dividends, etc., £25.

750; and from dividends, etc., £25.

Total amount gross income - £13798

Permanent yearly payments - 1169

Annual net income - £12629

IV. Under the Act, 6 and 7 William IV, c. 77, it was provided 'that, in order to provide for the augmentation of the smaller bishop-

and the like, no difference in title manifests the actual but unacknowledged superiority of the latter see. One only among the written professions of obedience, which southern primates carefully exacted from their suffragans at consecration after the fall of the archbishopric of Lichfield, purports to have been made by an archbishop of York. It bears the date 796, and therein Eadulf 'of York' promises 'to bow the neck in obedience to Ethelheard of Canterbury and his successors, as long as he shall breathe the air of heaven.' Modern investigation however has shewn 'that the only archbishops of York, who were contemporaries of Ethelheard, were the two Eanbalds, who were never subject to Canterbury; and that Eadulf was almost certainly a bishop of Lindsey. The word "Eboracensis" after the bishop's name, was probably inserted to uphold the claims of Canterbury in the eleventh century;' strong evidence that at that time no genuine submission of York was forthcoming (Haddan and Stubbs, Eccles. Doc., iii. 506).

William of Malmesbury, though a keen partisan, admits that the Conqueror was 'sorely vexed at Lanfranc's demand, thinking he sought an injustice, and put more confidence in subtle learning than in good faith and reason.' After a short while however the Archbishop appeared at court in person. 'By his

rics, such fixed annual sums should be paid to the Ecclesiastical Commissioners out of the revenues of the larger sees respectively as to leave as an average annual income—

To the Archbishop of Canterbury - £15000
To the Archbishop of York - £10000

arguments he eased the King's heart and convinced those who were there from beyond the sea. English, who understood the matter, bear witness to him in all things.' Lanfranc's task was no difficult one. If he was resolved himself that he would brook no rival in his work of rousing the English Church from the lethargy into which it had fallen since the death of Dunstan, but that, when establishing method and progress in place of misgovernment and inaction, he would hold north as well as south beneath his undisputed primacy, he was well aware that his master was equally bent on fusing the former political divisions of the island, and crushing Northumbrian, Mercian, and West-Saxon into unity under the pressure of his vigorous The Conqueror was easily converted Norman hand. by the argument that the consolidation of the Church would aid and protect the consolidation of the State. 'For the integrity of the country,' said Lanfranc, 'it is expedient that all Britain should obey one primate. Well may it be in your time or in that of your successors, that one of the Danes, the Northmen, or the Scots, who are for ever coming to York in ships to attack the realm, may be set up as king by the archbishop and the fickle Northumbrians, and thus the kingdom be divided' (Hugh the Chantor, Histor. of York, ii.).

Then was it decreed by the King with the counsel of all, that, for the present, Thomas of Bayeux should return to the Mother Church of the whole realm; and should read in the presence of the bishops a profession in which he promised absolute canonical obedience to

Lanfranc personally; but he should not be bound to pay the like to his successors, unless it should be conclusively proved in an episcopal council that such was their due. (William of Malmesbury, Gest. Pont., 40.)

'The fear of a king is as the roaring of a lion.' Thomas, quailing before the royal threat of banishment of his kith and kin, presented himself a second time for consecration. 'Wilt thou be subject to this Holy Church, to me and my successors?' said Lanfranc; and Thomas after a pause answered with tears and sighs, 'To thee will I be subject, but not to thy successors, unless by command of the Pope' (Hugh the Chantor, Histor. of York, ii.).

The gift of a pall by the Pope, which in its origin had been merely a mark of honour and dignity conferred upon eminent ecclesiastics, 'summi sacerdotii signum,' was now become a necessary qualification for metropolitical power, 'in quo plenitudo pontificalis officii' (Maskell, Monument. Rit. Eccles. Anglic., iii. 'Office of enthroning an archbishop'). From the days of Nicholas I (866), no archbishop, although he had received consecration, might venture to perform any of those duties which were peculiar to, and characteristic of, his office, until he had received the pallium from the tomb of the chief of the apostles. With this object, in the year 1071, Canterbury and York went together to Rome. While Lanfranc was received with marked favour at the Papal court, Alexander rising from his throne to meet him and bestowing upon him a second pall as a mark of respect, Thomas, as the son of a priest, was deprived of his bishopric, and only received it back on the intercession of his rival. Although the moment scarcely seemed propitious, he forthwith proceeded to challenge the primacy of Canterbury, and laid claim to the subjection of Dorchester, Lichfield and Worcester; of which sees the first owed its foundation to Oswald, king of Northumbria (635), the second to Ceadda, a monk of Lindisfarne, while the third had been closely associated with York in Anglo-Saxon times.¹

Alexander referred the points in dispute to the de-

¹ The connection of York with Worcester seems to have begun with St. Oswald, who retained the latter see, to which he had been consecrated, on his promotion to York in 972. Aldulf, his successor, held the two together till his death in 1002; and Wulfstan, the next archbishop, retained Worcester till the year 1016, when Leofsi was appointed as bishop. On the death of Leofsi, Brihteage, nephew of Archbishop Wulfstan, was appointed in 1033. His successor, Living, and Archbishop Aelfric then contested possession of the see. Aldred, who succeeded Living in 1045, became Archbishop of York in the year 1061 (Stubbs in Hoveden (Rolls Series), vol. IV. Preface, p. xxxv.). Before resigning Worcester, Aldred obtained from Edward the Confessor a grant attaching it to the see of York, 'the same gift which Archbishops Oswald, Aldulph and Wulfstan had of the king, and kept quiet and uninjured when England was distracted by Danish invasion' (Dugdale, Monasticon, VI. iii. p. 1177). On going to Rome, however, Aldred was compelled to resign the see in return for the gift of a pall, and Wulfstan was appointed to succeed him. The new bishop was consecrated by Aldred because Stigand had been suspended from his office. It was, however, to the Archbishop of Canterbury that his profession of obedience was made, and for further security Aldred was required to swear that he would not claim his subjection because he had consecrated him (Wilkins, Concilia, I. 315). On the death of Aldred, Wulfstan instituted a suit for the recovery of twelve manors which had been taken from his see and annexed to that of York, and gained a verdict in his favour at a general council held before the King and Lanfranc (Dugdale, Monasticon, I. 571).

cision of the bishops and abbots of England; and the case was twice debated in the year 1072, on the first occasion before an ecclesiastical synod at Winchester, on the second before a general gemôt presided over by the King at Windsor. In support of his claim Lanfranc produced in evidence Bede's Ecclesiastical History, and a series of letters from various popes which were either forged or garbled for the occasion (Haddan and Stubbs, iii. 66 note). He argued that, from the days of Augustine to those of Egbert, the Archbishop of Canterbury had the primacy over England and Ireland, and held Councils divers times within the precincts of York; that he cited thereto Bishops of York, and, when necessary, punished or deposed them. Thomas in reply relied on the letter of Gregory, and declared the privilege of ecclesiastical supremacy granted therein to Augustine to have been merely a life interest. Had the Pope intended to give the same distinction to his successors, he would have expressly stated it in the words of his epistle. Lanfranc disposed of this argument by pointing out that in the same way Christ, when conferring the power of the keys on St. Peter, might have added 'and I confirm the same to your successors'; yet the omission of such words had in no way deprived the Bishops of Rome of the privilege. Regulations contained in the letter as to the precedence of London and York, were irrelevant to the present discussion, and could not affect the relations of York and Canterbury. 'I am not the Bishop of London,' said he, 'nor is there any question relating to London before the court.'

Under the terms of the letter he was strictly entitled, as the successor of Augustine, to claim the obedience of all the priests of Britain; yet, 'for the sake of peace,' writes Gervase of Canterbury, 'he forewent his right to the submission of the Bishop of Durham, so that Thomas, in the proud possession of one suffragan at any rate, might claim the title "Archbishop."'

The decision of the Council was in favour of Lanfranc. The northern province was limited to the bishopric of Durham and all the region from the boundaries of the see of Lichfield and the river Humber to the extremity of Scotland. York was declared to be subject to Canterbury in all matters pertaining to the internal regiment of the Catholic Church; so that whenever within England Canterbury should hold his council, the Archbishop of York should resort thereto with his bishops, and be obedient to his decrees canonical. Moreover, when the Archbishop of Canterbury should die, York should repair to Canterbury to consecrate a successor. On the death of an Archbishop of York, his successor elect should resort to such place as the Archbishop of Canterbury might appoint, to receive consecration, making first a profession of obedience with an oath thereon (Wilkins, Concilia).

'Then,' says William of Malmesbury, 'Lanfranc danced for joy; and caused all these things to be written, so that new doings should not slide out of mind and his successors be beguiled of the knowledge thereof. But he bare himself discreetly withal, so that nothing of moment was left unrecorded, nor the effect thereof spent by overmuch ado; for it is hateful for a man to make

himself curious in his own praising.' By his directions the judgment of the Council was drawn up in the form of an agreement, and copies thereof were distributed to churches and abbeys throughout the province. The original document is still preserved in the muniment room at Canterbury, and bears the autograph signatures of Lanfranc, Thomas, Hubert the papal legate, and three bishops; while it is marked with the crosses of William and Queen Matilda, authenticated in the handwriting of Lanfranc (Appendix II to Chapter I).

Thomas now made profession of obedience with exaggerated humility. 'No Christian,' said he, 'should run counter to the laws of Christianity and the salutary institutions of Fathers of the Church, for from such behaviour arise quarrels, hatred, envying and strife. The higher his rank, the more ready should he be to obey the divine precept. I therefore promise absolute canonical obedience to you and your successors, wellassured that it is due. I was uncertain about this when I received consecration from you, and for that reason, though promising absolute obedience to you personally, I made a merely conditional agreement to pay the same to your successors' (Histor. of York (Rolls Series), iii. 13). As long as his great rival lived, he admitted his supremacy, attending Church councils with his suffragans, and assisting at episcopal consecrations in obedience to his commands. In the year 1073 the dearth of suffragans in the north compelled him to apply for help from the southern province, to enable him to consecrate the bishop elect of the Orkneys. In his letter he

addresses Lanfranc as 'Britanniae summus pastor,' and almost apologizes for styling himself 'Archbishop of York.' In begging the loan of two bishops, he protests before heaven that their assistance shall never be alleged by him as a reason for claiming their subjection Lanfranc, however, when directing the to his see. Bishop of Worcester to attend the consecration, carefully forwarded to him the Archbishop's letter, and ordered him to preserve it as evidence in case any such claim should be raised in the future (Wilkins, Concilia). Ecclesiastical precedence was now to be further regulated. At the Council of Hertford in the seventh century bishops had been forbidden generally to thrust themselves forward through ambition, and directed to take rank according to the time of their ordinations. then certain sees had gained precedence. Now, in 1075, the synod of London awarded the presidential chair in Church councils to the Archbishop of Canterbury. The Archbishop of York was placed on his right, the Bishop of London, as Dean of the province of Canterbury, on his left. The seat next to York was given to the Bishop of Winchester, as chancellor of the southern province; while the rest of the bishops were directed 'to sit according to their ancienties' (Wilkins, Concilia).

Such were the steps which, according to Eadmer, the Canterbury Chronicler, 'reduced Thomas to the level of his predecessors.' The claims of York seemed silenced for ever, and the discomfited Archbishop devoted himself to the restoration of his ruined Cathedral and devastated province, and the reorganization of his demoralized Chapter.

APPENDIX I

GREGORIUS AUGUSTINO ANGLORUM EPISCOPO, JUNE 22, 601.

Reverentissimo et sanctissimo fratri Augustino coepiscopo Gregorius servus servorum Dei . . . Quia nova Anglorum ecclesia ad omnipotentis Dei gratiam, eodem Domino largiente, et te laborante, perducta est, usum tibi pallii in ea ad sola missarum sollemnia agenda concedimus: ita ut per loca singula duodecim Episcopos ordines, qui tuae subjaceant ditioni, quatenus Lundoniensis civitatis Episcopus semper in posterum a synodo propria debeat consecrari, atque honoris pallium ab hac sancta et apostolica sede percipiat. Ad Eburacam vero civitatem te volumus Episcopum mittere, quem ipse judicaveris ordinare; ita dumtaxat, ut si eadem civitas cum finitimis locis verbum Dei receperit, ipse quoque duodecim Episcopos ordinet. et metropolitani honore perfruatur; quia ei quoque, si vita fuerit comes, pallium tribuere Domino favente disponimus, quem tamen tuae fraternitatis volumus dispositioni subjacere; post obitum vero tuum ita Episcopis quos ordinaverit praesit, ut Lundoniensis Episcopi nullo modo ditioni subjaceat. inter Lundoniae et Eburacae civitatis Episcopos in posterum honoris ista distinctio, ut ipse prior habeatur qui prius fuerit ordinatus: communi autem consilio et concordi actione quaequae sunt pro Christi zelo agenda disponant unanimiter; recte sentiant, et ea quae senserint, non sibimet discrepando perficiant. Tua vero fraternitas non solum Episcopos quos ordinaverit, neque hos tantummodo qui per Eburacae Episcopum fuerint ordinati, sed etiam omnes Britanniae sacerdotes habeat subjectos; quatenus ex lingua et vita tuae sanctitatis, et recte credendi et bene vivendi formam percipiant, atque officium suum fide ac moribus exsequentes ad coelestia regna pertingant (Bede. Historia Ecclesiastica, i. 20).

AEDUINO REGI ANGLORUM HONORIUS, A.D. 634.

Duo pallia utrorumque metropolitanorum, id est, Honorio et Paulino direximus, ut dum quis eorum de hoc seculo ad Auctorem suum fuerit arcersitus, in loco ipsius alter episcopum ex hac nostra auctoritate debeat subrogare (Bede, *Historia Ecclesiastica*, ii, 17).

APPENDIX II.

The accord entered into by the Archbishops of Canterbury and York concerning the supremacy of the former see in the year 1072.

From the Historical Manuscripts Commission, 5th Report, p. 452.

In the muniment room at Canterbury are two manuscripts setting forth this accord. The first (MS. A 1) is attested by the signatures of the King, the Queen, Hubert the legate, thirteen bishops and eleven abbots, and for further corroboration the King's great seal is affixed to the lower end of the instrument. The seal in this case is not suspended in the usual manner by strings, but is attached, or, as it is termed, 'appliqué' to the membrane itself. A circular piece as large as a sixpence was cut out of the parchment; then two pieces of wax having been softened, one was applied to each side of the membrane, touching and adhering to each other at the hole; after this the seal being impressed on one side and the counter seal on the other, the wax spread out into a flat surface on either side of the parchment.

The document (MS. A 1) is written in a clear clerkly hand upon fine parchment, the body of the deed and the signatures being all executed by one pen. This composition and the MS. itself have been known to historians from very early times, and in all cases where it is quoted, the attesting bishops and abbots are reported to be in number thirteen and eleven respectively.

Now another MS. has been found, A 2, a duplicate of A I; and this, which the historians appear never to have inspected, is the deed actually executed by the royal and dignified personages whose names are subscribed to A I. Here the

signatures all appear to be in autograph; even the bold cross of the King and the more delicate one of the Queen seem to have been traced by the royal hands, the pen of Lanfranc being employed to verify them by the words 'signum unilelmi regis' and 'signum' Mathildis regine' respectively. In this case the attesting witnesses are only four in number.

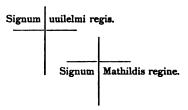
THE ACCORD.

Anno ab incarnatione Domini nostri Jesu Christi MLXXII, pontificatus autem domini Alexandri papae undecimo, regni vero Willelmi, gloriosi regis Anglorum et ducis Normannorum, sexto, ex praecepto ejusdem Alexandri papae, annuente eodem rege, in praesentia ipsius, et episcoporum, et abbatum, ventilata est causa de primatu, quem Lanfrancus, Dorobernensis archiepiscopus, super Eboracensem ecclesiam jure suae ecclesiae proclamabat; et de ordinationibus quorundam episcoporum, de quibus ad quem specialiter pertinerent, certum minime constabat, et tandem aliquando diversis diversarum scripturarum auctoritatibus probatum et ostensum est: quod Ebor. ecclesiae Cantuarensi debeat subjacere, ejusque archiepiscopi, ut primatis totius Britanniae, dispositionibus in his quae ad Christianam religionem pertinent, in omnibus obedire. jectionem vero Dunelmensis, hoc est Lindisfarnensis episcopi, atque omnium regionum a terminis Lichifeldensis episcopi et Humbrae magni fluvii usque ad extremos Scotiae fines; et quicquid ex hac parte praedicti fluminis ad parochiam Ebor. ecclesiae jure competit, Cantuarensis metropolitanus Ebor. archiepiscopo ejusque successoribus in perpetuum obtinere concessit; ita ut si Cantuarensis archiepiscopus concilium cogere voluerit, ubicunque ei visum fuerit, Ebor. archiepiscopus sui praesentiam cum omnibus sibi subjectis, ad nutum ejus exhibeat, et ejus canonicis dispositionibus obediens existat. Quod autem Ebor. archiepiscopus professionem Cantuarensi archiepiscopo facere etiam cum sacramento debeat, Lanfrancus, Dorobernensis archiepiscopus, ex antiqua antecessorum consuetudine ostendit; sed, ob amorem regis, Thomae Ebor. archiepiscopo sacramentum relaxavit, scriptamque professionem recepit, non praejudicans successoribus suis, qui sacramentum

cum professione a successoribus Thomae exigere voluerint. Si archiepiscopus Cantuar. vitam finierit, Eboracensis archiepiscopus Doroberniam veniet, et eum qui electus fuerit cum coeteris praefatae ecclesiae episcopis ut primatem proprium jure consecrabit. Quodsi Ebor. archiepiscopus obierit, is qui ei successurus eligitur, accepto a rege archiepiscopatus dono, Cantuariam, vel ubi Cantuar. archiepiscopus placuerit, accedat, et ab ipso ordinationem canonico more suscipiet.

Huic constitutioni consenserunt praefatus rex, et archiepiscopi Lanfrancus Cantuarensis, et Thomas Eboracensis, et coeteri qui interfuerunt episcopi et abbates.

The contracting parties and the subscribing witnesses affixed their signatures in the following order:—



+Ego hubt sce romane lector et dom. Alexandri pape legat. subscripsi,

+ Ego lanfranc' dorobernensis Archieps. subscripsi.

+Ego uualchelin' uuentan' eps. subscripsi.

+Ego Thomas eboracensis Archieps. concedo.

+ Ego remigius dorcacestrensis eps subscripsi.

+Ego Erfastus tetfortensis eps subscripsi.

+Ego uulstanus uuigornensis eps. subscripsi.

There is so much variety of character in the personality of these signatures, that it is impossible to resist the conclusion that each of them is the work of the person whose name it expresses, except that of Erfastus, whose tremulous hand was only able to delineate his cross. An examination of the bold upstanding autograph of the Bishop of Worcester tempts one

to believe that, as his certainly expresses the transparent and firm character of the writer, so the other witnesses may have furnished in their signatures some material for estimating their moral qualities.

One clause, 'ventilata est autem haec causa,' etc., which occurs in MS. 1, is not found in MS. 2; but as this passage is rather a note than a part of the contract, neither of the contracting parties being in any way affected by it, there is no reason why the clerk should not have added it when, after the signatures had been subscribed to A 2, the original, he made the copy which was plainly intended for public exhibition.

• • . .

CHAPTER II.

YORK STOMACHS A SUPERIOR.

AUTHORITIES: Hugh the Chantor and Eadmer (Rolls Series).

Aspiration rather than acquiescence was the spirit of the age. Thomas of Bayeux was but biding his time.

In one of its aspects, the Norman invasion had been a crusade against the moral stagnation and stolid independence of the English Church. William had led his army to battle under a banner blessed by the Pope, and ecclesiastical reforms naturally followed close on the success of his enterprise. Progressive Normans. versed in all the wisdom of Hildebrand, supplanted easy-going Saxon bishops; clerical celibacy was partially enforced; National Synods were held with greater frequency; while causes of a spiritual nature relating to the cure of souls were no longer heard in the Hundred Court, but were removed from the cognizance of secular men to a separate court of the bishop. measures, introduced with the idea of moulding the English Church according to the Roman fashion, resulted presently in the increase of papal power at the expense of royal prerogative. For a time, indeed, this tendency was not noticeable. As long as William

lived, he stoutly refused homage to the papal see. 'starkly' maintained that no pope should be acknowledged, no papal letters enforced, without his permission. Save by his leave and licence, no vassal should be excommunicated. No synod should legislate without his previous consent and subsequent confirmation of its decrees. But when the great king, 'William Bastard de graunt vigour,' was gone, the weapons with which he had maintained so effectively the independence of his realm and the supremacy of his crown against papal and ecclesiastical attack, fell into the hands of his weaker or more embarrassed successors. 'No one but the Conqueror could bend the Conqueror's bow.' The island-church was drawn into the general tide of ecclesiastical politics, and its clergy became members of a privileged caste with the Roman bishop at their head. In the wild times of the Red King and the first Henry, in the chaos of Stephen's reign, and until it culminates in the mortal duel between Henry II and Thomas of Canterbury, the struggle between temporal and spiritual powers is the most marked feature of English history. In this contest Archbishops of York found the opportunity they sought. While the steady progress of the Church from strength to strength supplied them with additional incentive, they now received additional encouragement to re-assert their full primatial claims; at one time from popes, who in the southern metropolitan of the day discovered an Imperialist rather than a Papist; at another from kings, who sought a courtier at Canterbury and found a churchman. The local wave of rivalry between the archbishops of England was now to add to the confusion of mightier waters, and to swell the tumult of the same.

'While I live, equal in my realm I will not endure,' said Rufus, remembering Lanfranc; and for five years following the death of the Primate of Britain, the see of Canterbury lay vacant. Meanwhile, Thomas administered the government of the southern province, consecrating bishops therein, and placing the crown on the king's head at the three great festivals of Christmas. Easter, and Whitsuntide. In 1000 he established the chapter of his own cathedral with a dean, chantor, chancellor, and treasurer, as chief officers; and superintended the constitution of sister foundations at Lincoln and Salisbury, which were destined to serve as patterns for secular chapters subsequently erected. If at any time through fear or desire for life he had subjected himself to anyone, he now felt a free man once more. Yorkist chroniclers supported him with stout assertions that the whole story of the national council and its decision was a fiction, and the charter of Lanfranc a forgery, of the monks of St. Augustine's, Canterbury, 'those skilled artificers,' who, by the testimony of Gervase, one of their own historians, 'could counterfeit in gold, wax, lead, and all metals.' 'You have heard,' writes Hugh to his readers, 'the tale of their vast and overweening ambition. Now mark the base and treacherous wickedness of these monks. They actually stole the royal seal and affixed it to a charter which they forged, where it was falsely stated that our cause was heard before the king, bishops, and nobles of England, and that it was held that a profession of obedience with an oath thereon was due from our Church to Canterbury; but that Lanfranc, for the love he bare the king, agreed to dispense with the oath for that once. Why, when the existence of the document was brought to the knowledge of the Conqueror, just before his final departure from England in 1086, he expressly denied its authenticity before notable witnesses, and promised to do justice to York, should he be permitted to return.' Pope Urban II moreover, in view of the marked indifference displayed by Lanfranc towards his claim to the papal throne, had severely reprimanded Thomas for making profession of obedience to Canterbury; and the Archbishop was determined, should occasion arise, to reassert the dual primacy of the British Church (Hugh the Chantor).

His opportunity soon came. In the beginning of the year 1093 Rufus was seized with a severe illness; and, fearful of dying with the vacant Archbishopric in his possession and on his conscience, he nominated Anselm to the see. Instead of two strong oxen, there were yoked in the plough of the Church the untamable bull and the old and stubborn sheep. Even before he had received consecration, the Archbishop-elect had irritated the king by insisting on the inalienability of Churchlands, and the recognition of Urban II as rightful Pope. When the time for the ceremony arrived, Thomas came to Canterbury to officiate. The service commenced with the reading of a formal petition for consecration,

wherein a request was made that Anselm might be hallowed 'Primate of Britain.' No sooner did Thomas hear these words than he departed from the altar. and, entering the vestry, put off his robes. lowed him the Archbishop-elect and Walkelin, Bishop of Winchester, and falling on their knees they besought him not to take offence. And he answered them, 'Since there are but two metropolitans in Britain, one cannot be primate thereof, unless he be above the other. I will hallow no one "Primate of Britain."' Then said they, 'Be it even as thou wilt. We seek naught save peace and charity.' Appeased by these words, Thomas robed himself afresh, and the objectionable title being omitted and erased from the petition, he hallowed Anselm 'Metropolitan of Canterbury.' Such is the account of Hugh, the Yorkist Chronicler, differing, as may be expected, from that of Eadmer, the historian of the rival Church. According to the latter, Thomas took objection to the description of the Church of Canterbury as 'the metropolitan Church of all Britain'; 'If this is the case,' said he, 'then the Church of York, which is well known to be metropolitan, is stript of her honours. We admit that Canterbury is the primatial Church of all Britain, but we deny it to be the metropolitan Church of the same.' Accordingly the document was amended, and Anselm consecrated as 'Primate of all Britain.' The Worcester Annals, however, seem to support the Yorkist account by an entry under the year 1093, to the effect that 'then for the first time were the primates of Canterbury styled "archbishops," whereas before they had been called "Metropolitans of Britain" (Annales Monast., 373).

The days of the Conqueror and Lanfranc, when the subjection of York to Canterbury was deemed necessary for the safety of England, were gone. The maintenance of some balance of power between the two archiepiscopal sees was now recommended by royal advisers as a security for the peace of the crown. On the morrow of Anselm's consecration Thomas forbade him to 'hallow' Robert Bloet, Elect of Lincoln, save as Bishop of The claims of the Church of York over Dorchester. Lincoln and great part of Lindsev had been frequently raised before this, but had hitherto been completely Now, however, the consecration was delayed ignored. until the dispute was finally settled by the King in a compromise, under which the Church of York was compelled to surrender its claim over Lincoln in exchange for the patronage of Selby Abbey in Yorkshire and the Church of St. Oswald, Gloucester.1

¹ The claim of York over Lincoln and Lindsey was of old standing. In the year 1061 Nicholas II had 'confirmed to the Bishop of Dorchester and his successors the parish of Lindsey and the Church of Stow and the appendages thereof which Alfric, Archbishop of York, had unjustly invaded' (Wilkins, Concilia, i. 315). About the year 1086 Remigius, Bishop of Dorchester, had transferred his see to Lincoln, 'thus manfully securing all the land between the rivers Widhem and Humber for his diocese and the province of Canterbury' (Giraldus Cambrensis Vita Remigii, chap. iv.). The argument of Thomas of York that Lindsey had been converted by Paulinus, and had formed part of Egfrith's kingdom, was then utterly disregarded. All the bishops of England were bidden to attend the dedication of the church built by Remigius at Lincoln, but two days before the date appointed for the ceremony the Bishop died, 'struck down by God's

In yet one more instance did Thomas maintain with some measure of success the privileges of his Church. Old and infirm though he was, he hurried from Ripon to London on the death of the Red King, in order to crown his successor; and when on arrival he found that the ceremony had been already performed by Maurice, Bishop of London, he forthwith complained of the infringement of his right. 'It was contrary to all precedent that a king should be hallowed save by one of his archbishops, and in the absence of Anselm the privilege undoubtedly belonged to him.' His claim was admitted, Henry I making apology that in the disturbed state of the kingdom it would have been dangerous to postpone the ceremony till his appearance (Hugh the Chantor).

The dispute about the right of investiture between the King and Anselm had already arisen, when Thomas died at the close of the year 1100, and Gerard, Bishop

privy doom'; and the actual dedication was delayed until the days of his successor. The Charter of Rufus settling the dispute runs as follows:—

In nomine Patris et Filii et Spiritus Sancti Amen. Summi Patris fuit consilium ut sanctam civitatem suam, coelestem scilicet Jerusalem, quae diaboli superbia divisa erat, morte dilectissimi Filii sui intercedente, redintegraret; et per redemptionem humani generis angelica damna repararet. Hac consideratione ego Willelmus, videns ecclesiam Anglorum ex parte divisam et discordantem, resarcire concupivi quod male scissum fuerat, et ad unitatem verae civitatis revocare quod diu indiscussum sub discordia manserat. Redemi igitur de meis propriis possessionibus calumpniam quam habebat ecclesia Eboracensis super Lincolniam et super Lindissim et super mansiones Stow et Ludham, et dedi pro eis ecclesiae Sancti Petri Eboracensis jure perpetuo possidendas, abbatiam Sancti Germani de Selebi, et ecclesiam Sancti Oswaldi de Glocestra, &c. (Histor. of York, Rolls Series, iii. 21).

of Hereford, was appointed his successor. A notorious king's-man, the new Archbishop had already represented Rufus at the papal court, and was now destined to plead again the royal cause before the Pope. Immediately after his appointment he was despatched to Rome, as Henry's advocate, to request that Anselm might be permitted to comply with the hereditary usages of the Crown, and receive his pastoral staff of the King. When a written answer was sent to Henry and Anselm, refusing this request, Gerard on his return to England declared that in a private interview Paschal II had assured him that the letters were a mere matter of form; and that so long as the King acted well, and appointed good and pious prelates, papal decrees about investiture would not be enforced. Another deputation to Rome became necessary; and valuable time had been gained for the royal cause before the Pope's indignant disclaimer of any such verbal message reached England. Without yielding in any way, Henry had been enabled by Gerard's inventive powers to postpone a quarrel, which at the moment of his accession he had not dared to risk. Archbishop of York deserved well of his master.

'About the election, life, morals and miserable death of this prelate,' wrote Archbishop Ralph to Calixtus II in later days, 'I prefer to keep silence, rather than to shock the ears of Christian piety by the record of them.' Nor did Gerard find favour with the clergy and people of his own province. During his life he was suspected of meddling with magical arts, and when he died sud-

denly in the garden of his palace, unhouseled and unaneled, a book on judicial astrology was found under the cushion on which he lay. As the funeral procession entered York, the bier was pelted with stones; and the body was refused interment within the cathedral walls. To the Yorkist chroniclers the one redeeming point in his career was his resistance of the claims of Canter-Lest the title 'Pope of another world and Patriarch of the Lands beyond the Seas,' with which Urban II had saluted Anselm, should become something more than a name, Gerard defied both Pope and Primate, and withheld oath of obedience. Nor could pressure be brought to bear upon him, for he had already received consecration on his appointment to Hereford; and, by a vague promise 'to pay, when he came back from Rome, all that could be justly demanded of him,' he had induced Anselm to give him letters to Paschal II, which secured him the gift of a pall. noble and manly was his behaviour at the Council of Westminster' (1102), wrote the Canons of York to his successor, 'for when the monks built up an exceptionally high throne for Anselm, he called in the vulgar tongue for the wrath of heaven to fall on the perpetrators of such an insult, and applying the archiepiscopal foot to the structure, overthrew it' (Hugh the Chantor). Not only at Rome did he represent the royal cause, but on Anselm's refusal to officiate he was prepared to consecrate in the southern province prelates who had received ring and staff of the King; and the loyalty of the suffragans-elect to their metropolitan, and their

refusal 'to bend the neck to such infamy,' alone prevented this open encroachment of York on the right of Canterbury.

While Gerard's rough and ready methods on these occasions seem totally at variance with the description given of him by Hugh the Chantor and William of Malmesbury, as 'a refined and accomplished man, second to few or none in knowledge and eloquence, and but little inferior to Virgil as a poet, and to Cicero as a writer of prose,' the letters on the other hand which he wrote to Anselm are of a courteous and even romantic character. 'As a thirsty stag pants to the water-brook, and a way-worn traveller yearns for a place of rest, so I, parched and weary, seek the fountain of thy wisdom and the peace of thy counsels,' are the opening words of a letter, in which he entreats his rival's assistance in enforcing rules as to concubinage and non-residence against the Canons of York. On another occasion, when he finds himself in trouble, he assures the 'Archbishop of Canterbury' that he is 'pleading his cause not only among their common friends, but even in the presence of the King and Court. Enemies are speaking against him; but if he has been somewhat lacking in zeal for the Church, his want of enthusiasm has resulted from the impression that Anselm did not sympathize with him in his misfortunes.' towards the close of Anselm's three years of exile. Gerard apparently came to the conclusion that his presence was indispensable to the English Church (Migne, Patrolog. Cursus. Anselm, Lib. iii. 121, iv. 39),

and joined the Bishops of Chester, Norwich, Chichester, Worcester and Winchester in praying him to return, declaring himself ready to follow him, and, if necessary, to perish with him. The independence of his archiepiscopal see was not allowed to stand in the way of a reconciliation; for when Anselm, immediately after his return in 1107, demanded from the reluctant King the submission of the Church of York, he for his part does not seem to have raised any objections, but willingly renewed the oath of obedience he had made to Canterbury on his appointment to the see of Hereford (Eadmer, Hist. Nov., 187).

Under Norman kings the position of archbishops depended more on their personal relations to the sovereign than on legal grounds. In spite of the decision of a national assembly in favour of the supremacy of Canterbury, and the precedents of the oaths of obedience taken by Thomas of Bayeux and Gerard, the latter's successor, Thomas II (1108), was encouraged to temporize with Anselm's peremptory summons to come to Canterbury for consecration, and 'pay his dues.' 'Whether the King was really on our side,' says Hugh the Chantor, 'or acted thus simply because he had quarrelled with Anselm, was uncertain at the time, but has been made clear since.' Henry's policy towards the papacy was directed to the strict maintenance of such privileges of the Crown as he had inherited from his father; and, with so advanced a churchman at Canterbury, discretion urged him to support an independent ally in the see of York. When therefore

Anselm threatened to undertake the management of the northern province himself, if the Archbishop-elect remained unconsecrate, Thomas answered: 'Many and grave reasons have prevented me from coming to you. The money I had collected for the expenses of the journey, has been spent during an unexpectedly long visit to Winchester. I am now raising funds to send to Rome for a pall, but find it extremely difficult to borrow money save at a very high rate of interest, owing to the way in which my predecessor drained the province of all spare cash.' The letter concludes with a request that the limit of time laid down for his appearance at Canterbury may be extended, and that Anselm will send him necessary letters which he may take with him to Rome in support of his claim to a pall. Anselm in answer granted extension of time, but declared he could not accept the excuse offered for delay. 'No one should have a pall before he had received consecration. As to the letters, it will be time enough to give them when I have seen you, and talked the matter over with you.' At the same time he took the precaution to obtain from Paschal a promise to withhold the pall from his rival. After a short while Thomas wrote again: 'On the eve of my departure to come to you, my chapter forbade me in the name of God, St. Peter, and Holy Church, to unduly submit my see to yours. Furthermore they forwarded letters after me by special messenger, threatening to withdraw their allegiance. should I make profession to you. I am set about with cares on every hand. It would be a disgrace to come to you for consecration and then to depart unhallowed; vet I fear that, if it stands much longer, the milk of your loving-kindness may turn sour. My Church prays you are in good health and happiness.' The Canons of York Cathedral 'knowing well,' says Eadmer, 'the great age and infirmity of Anselm, and thinking he would soon die, now wrote to him: "We are of opinion that you employed too much severity in summoning our elect to come to you within a stated time and 'pay his dues.' Of course we know well enough that he ought to receive the imposition of your saintly hands, but we do not understand what are 'the dues' he ought to pay. Perhaps you or your monks will answer 'the profession of obedience is meant.' however, rely on your reputation for holiness to demand nothing but the things which are of God. Now we are willing to allow our elect to shew you respect by rising and bowing and by giving place, but we mean to disown him should he subject our Church to yours. It is expedient that one of wisdom and holiness should be independent, and follow out his own ideas. Though there are some clerks and monks who are actuated by pride rather than expediency, we ourselves are conscious that we are doing nothing through strife. emulation, or vain glory, but all things in the name of God and our right. May heaven keep you in body and soul."' Anselm continued to press his demands, and Thomas in reply protests, 'No one can be more eager for consecration than I, but you know well how dangerous it would be for me to break through the rules of the Church over which I am to preside. How terrible would it be under the cloak of a blessing to put on a curse.' When the Bishop of London came to him, and reminded him of the treatment of Thomas I by Lanfranc, he retorted by stating how Thomas in his turn had treated Anselm. The King, to whom the matter was now referred, promised to settle all disputes on his return from Normandy; but shewed his continued partiality to the cause of York by requesting the Pope to send a legate to England bearing a pall for Thomas. Paschal II in reply despatched Cardinal Ulric, but gave him instructions to bestow the pall as Anselm should direct (Hugh the Chantor and Eadmer).

So matters stood, when on April 21st, 1109, the Saint, who had withstood two kings, passed away. On his deathbed, mindful of the rebellious Thomas, he wrote as Primate of all Britain, forbidding him under pain of excommunication to attempt to discharge any archiepiscopal function until he had submitted himself to Canterbury, and threatening the like penalty on any bishop who should consecrate him without exacting profession of obedience. Henry's countenance now changed towards York. 'Our gentle Favonius gave place to boisterous Aquilo,' laments Hugh the Chantor. At the following Whitsuntide Court, when the Count of Meulan suggested that any bishop, who had dared to receive Anselm's letter, had been guilty of treason, the King sympathized with the suffragans of Canterbury in their determination to obey the last command of their late metropolitan. 'Whatever others may think,' said

he, 'I for my part would not wish to be subject even for an hour to the curse of so great a father.' Then did the bishops cry aloud that Anselm was present himself, and, as a spirit, had won for his Church the victory which ill-health had denied him, while in the flesh. The charters and privileges of Canterbury were produced. 'What need is there of further evidence?' cried the King. 'Shall I allow privileges granted by the Holy See, defined in the presence of my father and mother by the testimony of bishops and nobles of the realm, to be brought in question and upset by new devices? Thomas shall make profession, or resign the archbishopric.' Protests that the curse of Anselm was a fiction, and the charter of Lanfranc a forgery, were unavailing. Vain was the bribe offered by the Bishop of Durham of one thousand marks to the King, of one hundred to the Queen, for the Canterbury party had already promised to raise no objection, should the King wish to keep the vacant metropolitical see in his hand, and receive the profits thereof; 'and Henry,' adds Hugh, 'was no bad judge of the value of a bribe.' All turned against Thomas. His father Sampson, Bishop of Worcester, his brother Richard of Bayeux, urged him to submit. The papal legate refused to advise on the case. At length, overwhelmed by the threat of banishment of himself and his family, Thomas gave way. 'Harassed and distracted,' says the ever-loyal Hugh, 'he consented to do what I really think he never would have done, had he been physically capable of undergoing the fatigue of exile. But he was corpulent and inconveniently stout.'

On June 27th, 1109, in St. Paul's Church, he was consecrated by Richard, Bishop of London, after making profession of obedience to the Church of Canterbury and to the primates of the same, saving his fealty to King Henry and the Holy Roman See. In order to protect the rights both of York and Canterbury against any possible claims of the Bishops of London in the future, proclamation was made that the present consecration was not to form a precedent, but had been performed in St. Paul's by the King's command, and had been celebrated by the Bishop of London, as dean of the province of Canterbury. was Thomas hallowed,' writes the triumphant Eadmer, 'receiving from a servant what he had refused to accept from the hand of the master. As long as he lived, this was a source of regret to him, and he would declare himself to have been unfortunate and unworthy the blessing of so great a man.' Further mortification was in store for him. At the following Christmas Court, Richard of London claimed precedence over him, placed the crown on the King's head, and led him to church by the right hand. Moreover, when the two prelates came to meat at the king's table, dispute arose between them as to order of session, and Henry in disgust promptly dismissed them both to take their meals in their respective hostels (Eadmer).

APPENDIX.

SUBJECTION OF ARCHBISHOPS OF YORK TO CANTERBURY.

(1) Profession of Thomas of Bayeux.

'Ego Thomas, ordinatus jam Eboracensis ecclesiae metropolitanus antistes, auditis cognitisque rationibus, absolutam tibi Lanfrance, Dorubernensis Archiepiscope, tuisque successoribus de canonica obedientia professionem facio, et quidquid a te vel ab eis juste et canonice injunctum mihi fuerit, servaturum me esse promitto' (Historians of York (Rolls Series), iii. 13).

(2) Profession of Gerard, made on his appointment to the see of Hereford, and renewed in 1107 after his translation to York.

'Ego Gerardus Herefordensis ecclesiae electus et a te reverende pater Anselme, sanctae Cantuarensis ecclesiae archiepiscope, et totius Britanniae primas, antistes consecrandus, tibi et omnibus successoribus tuis canonicam obedientiam me per omnia servaturum promitto' (Histor. of York, iii. 15).

(3) Profession of Thomas II.

'Ego Thomas, Eboracensis ecclesiae consecrandus metropolitanus, profiteor subjectionem et canonicam obedientiam sanctae Dorobernensi ecclesiae et ejusdem ecclesiae primati canonice electo et consecrato, et successoribus suis canonice inthronizatis, salva fidelitate domini mei Henrici regis Anglorum, et salva obedientia ex parte mea tenenda, quam Thomas antecessor meus sanctae Romanae ecclesiae ex parte sua professus est' (Histor. of York, iii. 33).

Hugh the Chantor sets out a letter which he asserts King Henry gave to Thomas II, testifying that the profession was made by his command for that turn only, that it was personal, and not intended to prejudice the Church of York in the future.

CHAPTER III.

THE WAR OF INDEPENDENCE.

AUTHORITIES: Hugh the Chantor and Eadmer (Rolls Series).

Thurstanus, quasi turris, stans contra mala mundi,
Exponit nomen per sua facta suum.

Vita Turstini auctore anonymo.

—Histor. of York (Rolls Series, vol. ii).

Though the Northern Church had now these three times been reduced to obedience, the days of her bondage were numbered.

In 1114, Ralph d'Escures succeeded to the see of Canterbury, which since Anselm's death had been kept in the king's hand. In the same year, Thurstan was appointed to York; 'A man of prudence was he,' writes Hugh, 'fervent in business both civil and military; one in whom both William the younger and Henry had confided as a trusty friend; given moreover to the entertainment of strangers, were they clerks or laymen. And these good qualities were destined to stand him in good stead in many places on convenient occasions.'

The Elect of York lost no time in bringing the question of the profession to the notice of the King, urging that the submission of one metropolitan to the

other was uncanonical and without a parallel in other countries. Moreover, should any dispute arise between the Crown and the Archbishop of Canterbury, the northern metropolitan would be bound by his oath to obey the latter. Henry, though impressed by this argument, made no definite decision at the time; but a year later, he directed Thurstan to present himself before Ralph and request consecration at his hands: promising to submit any difficulties that might arise to the decision of the Pope: and the Elect of York accordingly, in company of the Archbishop of Rouen and others, repaired to Canterbury. His journey was fruit-'I will speak clearly to you,' said Ralph; 'I will never hallow you until you have rendered oath of obedience to me'; and when Thurstan proposed to refer the question to the papal court, he answered, 'A journey to Rome is too great an undertaking for one of my age and infirmity; and even though the Pontiff should stand before me face to face, and bid me give you unconditional consecration, I would refuse to obey him,'

Now though 'many who heard these words, considered them neither canonical nor wise,' this declaration of the Archbishop seems to have satisfied the King that at Canterbury was a man after his own heart. On the other hand, the evident desire of Thurstan to seek consecration of Paschal II, and submit the dispute to the decision of Rome, suggested a further extension of that control over archiepiscopal appointments, which Popes already exercised in conferring or withholding the pall. Accordingly, at the Council of Salisbury

(1116), Henry determined to employ again the methods which had reduced Thomas II to submission. messengers were sent from the council chamber to the Elect of York, who sat alone in a neighbouring chapel. 'The King,' said they, 'will not argue on these matters. Choose then either of these two things. Make the profession; or endure the King's wrath, and banishment of your family from the realm.' Such threats 'if men be of fearful heart, may do well; but if they be stout and daring, they but precipitate their designs and prove dangerous;' and Thurstan after a pause answered, 'Terrible is it for me to anger the King; but far more terrible would it be to offend knowingly against God and Holy Church. Rather than do this, I will render back his gift to the King.' Now when the messengers were come back to the council chamber, and the Archbishop of Canterbury and those of his party would not believe their report, Count Robert of Meulan said, 'If I rightly know the man, he will not hesitate to do as he has said. Let him come and speak for himself.' Thurstan accordingly came, and confirmed what had been told by the messengers; and placing his hand in that of the King, he surrendered to him the Archbishopric. 'Those who saw it,' says Hugh, 'burst into tears; the King himself sighed and wept; Ralph alone was unmoved, for his heart was hardened. But Thurstan shewed no sign of bitterness, and bare himself with his wonted gaiety of heart, as though no evil had befallen And throughout England and Normandy all marvelled that a clerk, who had been a courtier and fed at

the King's table, should have so withstood him; and men of noble mind bear witness to his courage.'

Now after his resignation, Thurstan departed with the court into Normandy; and doubts arose in the King's mind whether the surrender of the Archbishopric The Canons of York Cathedral declared that from the Pope alone they could obtain absolution from the oath of obedience they had made to their Archbishop-elect. Thurstan himself remembered that. though he had rendered to the King the temporalities of his office, he could be acquitted by the Pontiff alone of the sacred charge which the Pontiff had confirmed. vain, however, did he seek permission to go to Rome. for his path was barred by 'golden nets and silver bolts' supplied to the King by his rival. Ralph himself, saying 'all things at Rome have their price,' mortgaged part of the property of his see, and set out to purchase papal authority for the profession of obedience to be made. But all attempts on the conscience of the Supreme Pontiff were unavailing. 'Not for his chamber full of gold and silver' would Paschal give the required permission; and the only result of a troublesome journey was a vague 'ratification of all such privileges as had been duly and canonically possessed in times past by Archbishops of Canterbury.' 'Such rights,' remarks Hugh, 'no one ever thought of denying or disputing.' 'If only,' sighs William of Malmesbury, 'the Pope had expressly stated what dignities our Church possessed, and then confirmed them, he would have put an end once and for all to the whole dispute; but when he

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said, "We in no way lessen any privileges you may possess," he left the whole matter undecided, regarding not the labour of others so long as he consulted his own advantage' (Gesta Pont., 130). In the course of the next few years, strongly-worded letters passed between the various parties engaged in the dispute. The Chapter of York indignantly demanded their Elect; Paschal and his successor Gelasius ordered instant and unconditional consecration to be given, but were too much embarrassed by their conflict with the Emperor to be able to enforce their commands; Henry and Ralph remained stubborn; and Thurstan continued unhallowed, an archbishop in name alone.

So matters stood when, in January, 1119, Calixtus II ascended the papal throne, strong in the alliance of France and the recognition of the German prelates, and proceeded forthwith to summon a great council to meet at Rheims in the following October. Thurstan after some difficulty obtained permission to obey the papal summons; but whether he gave the King an express promise not to accept consecration from Calixtus, is a point on which Eadmer and Hugh naturally agree to differ. Most probably both he and Calixtus gave some such indistinct undertaking, as is mentioned by William of Malmesbury, 'to injure in no way the dignity of Canterbury' (Gest. Pont., 264). In the half-year preceding the council, however, the Pope seems to have been persuaded that the right of the southern Church to exact obedience from York was not conclusively established. The letters of Gregory the Great and Honorius had pronounced equality between the two sees; while Urban II had reprimanded Thomas of Bayeux for the submission of himself to Lanfranc; and Paschal, though in the lifetime of the trusty Anselm he had commanded the obedience of Gerard and Thomas II, called the latter prelate to account for the profession he made to Canterbury after the Saint's death (Histor. of York, ii. 103, 126). An opportunity moreover was now offered of dealing a blow at the independent attitude maintained by Henry in Church matters. Of late, vain protests had been made that papal letters and papal nuncios were refused admittance to England, save at the King's good will and pleasure; that appeals to the papal court had been disallowed; and that all business relating to bishops and the celebration of councils and synods had been settled without reference to Rome. A fitting reply could now be given to one, who boasted himself 'patriarch, papal legate, and whatever else he pleased, in his own dominions;' whose bishops, now on the road to Rheims, had been cautioned 'to lay no complaints before the Holy Father, and to bring back none of his superfluous innovations into the realm.' Two days before the Council opened, in the presence of archbishops, bishops, and countless other ecclesiastical dignitaries, was Thurstan hallowed, 'receiving consecration, as it were, from the hands of St. Peter himself.' The English bishops were not yet come to Rheims, and Archbishop Ralph had pleaded ill health as an excuse for non-attendance. 'John, Archdeacon of Canterbury, alone made protest, but in a manner that was neither fit nor seemly. "I am acting without prejudice to the right of Canterbury, if any such right exist," the Pope modestly answered; and had not the Archdeacon been within a sacred edifice at the time, he would not have escaped insult. As it was, he was driven out by the Romans with reproaches and loud abuse.' When the Council met, the newly hallowed Archbishop took his seat therein with his suffragan, the Bishop of Orkney; but the prelates of England and Normandy, who had been charged by the King to prevent the consecration, kept aloof from him, and the Bishop of Durham even feared to sit near his metropolitan.

When the news of what had taken place reached Henry, he swore that Thurstan should never set foot in England until he consented to take oath of obedience to Canterbury. The Archbishop's estate was seized; and his suffragan, the Bishop of Orkney, who had been present at the consecration, fell into disgrace. two years the King was relentless, disregarding all the efforts made by Calixtus to bring about a reconciliation; while, in reply to an offer of absolution if he would take back his word and recall Thurstan, he declared 'such an act would be unworthy of his honour; for who would afterwards place reliance on any promise, were they to see from his example how easily it could be made worthless.' The deeper his disgrace at home, the higher the favour found by the offending Archbishop at the French and papal courts. Eminent scholars claimed Thurstan as their comrade; he associated with cardinals as their equal; and when the Pope was crowned, rode

in the procession beside the Bishop of Ostia, the chief of the order. Useful friends rallied round him where-ever he went. Calixtus invited his assistance at consecrations, presented him with valuable relics and holy oil, 'nor would he have denied him his blood had he required it of him'; while as a mark of special favour, Thurstan was allowed to wear his pall in exile, although by ordinary rule no metropolitan might wear this vestment outside his province. Finally a papal privilege was granted to his Church, declaring it to be free, and forbidding any oath of obedience to be made in the future. Should Canterbury still refuse unconditional consecration, York might have recourse to his own suffragans or to the Pope himself (Appendix to Chapter III).

The Archbishop, meanwhile, had been enabled to render invaluable services to Church and State at home. He had been instrumental in bringing about peace between England and France; and when the bishops and abbots of Normandy failed to attend a council at Beauvais summoned by Conon, the papal legate, his intercession had saved them from excommunication. The King indeed had declared he would rather have lost five hundred marks than have been deprived of his assistance. At the close of the year 1121, in order to reward these services, and at the same time to avoid sentence of excommunication threatened against himself, and of suspension against Archbishop Ralph, Henry allowed Thurstan to return to England. After visiting the King at Windsor, the victorious prelate

hurried northwards. A triumphal procession awaited him at York, people on foot and on horseback, knights and nobles, canons and monks, meeting him, and escorting him to the Minster. Seated in St. Peter's chair, he recited to his congregation the charter of freedom he had won for his Church. Never again were southern primates to exact express acknowledgement of their ecclesiastical superiority from their rivals of the north.

This challenge provoked speedy renewal of the primatial war. Ralph, disappointed in his hope of securing obedience from York, proceeded to put forward somewhat vague claims of patriarchal jurisdiction over the whole of Britain and Ireland. When Henry and Adela de Louvain were married at Windsor (1121), he declared that wherever the court might be, the King and Queen were always special parishioners of the Archbishop of Canterbury; and for this reason compelled the bishop of the diocese, who expected to officiate at the ceremony, to make way for his nominee, the Bishop of Winchester. The following day, when he found the King seated in the royal chapel wearing his crown, and recollected that he had not crowned him himself, he delayed the service until he had carefully removed the royal emblem, and replaced it after a pause with his Chroniclers threw themselves into the own hands. fray with increased partisanship. In these days Eadmer, who had been selected to fill the see of St. Andrew's, declined to accept consecration from any but Ralph, asserting that the jurisdiction of Canterbury extended over the whole island of Britain; and such was his obstinacy, that he preferred to resign the appointment rather than give way on the point. Hugh the Chantor, on the other side, attributes Ralph's broken health to the wrath of heaven at his continued hostility to the northern Church. 'There were those who said that the claims of Canterbury were manifestly unjust, because, as often as the Archbishop attacked us, he was smitten of God; and it seemed to them that some good angel watched over the Church of York. We shewed however no unseemly exultation when he died, for we recollected the words of Solomon, "Rejoice not over a fallen foe."'

Matters were not mended by the accession to Canterbury of William of Corbeuil: 'William de Turbine,' 'of Turmoil, not of Corboil,' as he was nicknamed; whose merits Henry of Huntingdon 'could not celebrate, because they did not exist' ('Cujus laudes dici nequeunt, quia non sunt,' De Contempt. Mundi, p. 314). The new Archbishop caused himself to be consecrated by his suffragans 'Primate of Britain,' after Thurstan had declined to 'hallow' him 'Primate of all England' (Simeon of Durham, ii. 269; Hugh the Chantor, Histor. of York, ii.). Simeon of Durham and the Saxon Chronicler suggest that when William went to Rome after his pall, he found that the Archbishop of York had already arrived there, and had so prejudiced the Curia against him, that he was there full seven nights ere he could come to speech of the Pope; and that then his pall was refused to him for the reason, among others, that he had

not received consecration from his brother metropolitan. In the end, however, 'that overcame Rome which overcometh all the world, which is gold and silver;' and on the intercession of King Henry and his son-in-law, the Emperor Henry V, the Pope at length granted the Hugh the Chantor will naturally have none of this; but represents his hero as a veritable 'deus ex machina,' bearing generous testimony to the excellent character of his rival, and pleading on his behalf with the Curia. In full court the Pope declared that 'on account of the love he bore towards his good friend, the Archbishop of York,' he was willing to relent, and to confirm William's election. Thurstan thereupon threw himself in gratitude at the feet of the Pontiff. Southern chroniclers state that the Canterbury party produced before Calixtus conclusive evidence of the pre-eminence of their Church; and that the Yorkists made unsatisfactory answers to the challenge, pleading that they had not anticipated a lawsuit when they came to Rome, and had left many important documents at home. Hugh tells a very different tale. He asserts that the writings put forward by the enemy, which are given at length by Eadmer, and are probably the same as those with which Lanfranc produced such an impression on the Councils of Windsor and Winchester in 1072, 'though entitled with the names of various popes, were not couched in the Roman style.' Canterbury witnesses broke down under cross-examination. They were asked whether the privileges they put in evidence, bore seals; and answered that the originals

had been left at home, and that copies only were produced. They were then pressed to swear that the originals were sealed. On this they held a private consultation, at which every man tried to induce his fellow to perjure himself on behalf of his church ('Sanum quidem consilium et legale!'); but as no member of the party would consent to become 'splendide mendax.' they were fain to return with the answer that the seals had either been lost or else worn away by time. After this ridiculous explanation the documents were laughed out of court, as flagrant forgeries. ('Quibus sic dicentibus alii subriserunt, alii nares corrugaverunt, alii cachinnum emiserunt, illudendo dicentes mirum esse plumbum consumptum fore vel perditum, et pergamenum durare.') 'This story,' adds Hugh, 'may seem to some people to be very improbable. The writer may even appear to be trifling. But I can assure them that it is in reality as true, as in appearance it seems fictitious.' The discomfiture of the Canterbury party was complete, when Thurstan produced copies of the letters of Gregory and Honorius, of Urban, Paschal, Gelasius, and Calixtus himself, all supporting the theory of equality between the two Churches; and these were accepted in evidence as being within the common knowledge of all. victory of York now seemed secure, when the court, evidently unwilling to give any definite decision on the point, held that no due notice of action had been given, and that the trial must take place at some future date, to be determined by the parties, if that were possible.

Inconclusive results followed the many attempts and various suggestions which were subsequently made to determine the dispute, and the countless vain journeyings of the archbishops and their envoys to and from the papal court. On one occasion Thurstan agreed to obey Henry's command that the Churches should stand to one another, as they had stood 'in the days of his father'; but when a discussion arose as to the exact meaning of this expression, the Archbishop declared he took it to refer to that period of the Conqueror's reign when Aldred of York was practically sole metropolitan in England, while the King protested he had intended the days of Lanfranc's ecclesiastical supremacy. another time, both Archbishops started for Rome, in order to obtain papal sanction of an agreement, under which the bishoprics of Chester and Bangor and a third see were to be transferred to the province of York, in return for a verbal acknowledgement of the primacy of Canterbury. 'By an unlucky chance, a papal legate, carrying with him many bags and chests full of gold, attached himself as a travelling companion to Thurstan;' and urging the principle that 'a man simply courts robbery, who carries treasure along a highway,' insisted that the whole party should 'avoid regular roads, and go across country, up hill and down dale, by a route no one ever took to reach Rome from England' (per avia, per ardua, per aspera, per abrupta, per vias quibus de patria nostra nemo Romam ambulavit'). After they had been lost, imprisoned and ransomed ('vagabundi, disturbati, capti, redempti'), Thurstan,

whose one support in these trials had been the thought that he was suffering in defence of the rights of his Church, at length reached Rome; only to find that William repented the bargain, and disputed the terms of the agreement. In portraying the indomitable courage displayed by his hero, and the magnanimity shewn by the Yorkists on this and on similar occasions. Hugh does not forget to paint his southern enemies in what appear to him to be their true colours. In his pages is preserved the record of their double-dealing, and the bitter regret they felt for the lost profession of obedience; of the revolt of John of Glasgow and the Scotch bishops, made at their instigation against the primacy of York; and of the gross breach of professional etiquette committed in the papal court by the celebrated advocate Gilbert Universalis, who after being specially retained by Thurstan, suddenly threw up his brief for York, and appeared for Canterbury, in the hope of securing a larger fee. There too is told how Providence protected the cause of the helpless, and brought the learned counsel to confusion; and how the supreme Pontiff smiled and shook his head, when some enthusiastic partisan of Canterbury claimed the whole of Britain as the province of his Church.

In the year 1125, a new element of discord was introduced into the quarrel by a grant to William of legatine authority over England. Hitherto visits of legates, that is, delegates of the visitatorial jurisdiction of the Roman see, had been rare, and reserved for special occasions. The Conqueror ruled that no legate should

be allowed to land in this country, unless he had been sent by the Pope at the request of the King and clergy; and on several occasions Henry I made practical assertion of this right of independence. Partisans of Canterbury, moreover, maintained that their archbishops possessed ex officio all powers which a Pope could confer on a legate (Anselm's Letters, iv. 2; Eadmer, Hist. Nov., 126); but though Anselm secured recognition of this alleged privilege from both Urban II and Paschal II, the claim had never been fully admitted at Rome. In the year 1123, Henry, as a matter of policy, submitted to the landing of John of Crema; and the country gazed in wonder and indignation while the legate presided at the Council of Westminster over both the metropolitans of England, and on Easter Day took precedence of the Archbishop of Canterbury in his own cathedral. In order to prevent the recurrence of such a scandal, and in the hope of settling, once and for all, questions of precedence and obedience between Canterbury and York, Henry now permitted William of Corbeuil to go to Rome, and to accept on January 25, 1126, a commission as legate with jurisdiction over the whole island of Britain. But in both points his expectations were doomed to disappointment. first place, although there was henceforward established in the kingdom a resident representative of the supreme jurisdiction of Rome, popes reserved the right to supersede his authority by the mission of extraordinary 'legates a latere.' In the second, the ordinary legatine commission was not bestowed invariably and exclusively on Archbishops of Canterbury, but was held up as the reward due to zealous services in the interests of the papal see; and given now to Canterbury, now to York, and on some occasions even to one of their suffragans. Another century had passed away, before southern primates became 'legati nati,' and received the ordinary legatine commission as a matter of course, as soon as their election to the see of Canterbury was recognised at Rome.

On the present occasion, Thurstan, according to the Yorkist account, magnanimously assisted William in his application for this honour, but shewed at the earliest opportunity that he had no mind to accord to the legate the precedence he had denied to the archbishop. 'On Christmas Day, 1126,' writes Florence of Worcester, 'Henry, King of the English, held high festival at Windsor. Then did the Archbishop of York wish to crown the King after the custom of his predecessors: but in the judgment of all it was agreed that the coronation, in no way pertained to him. Moreover his crossbearer, who had borne his cross aloft before him in the Royal Chapel, was cast out; for it was held by those versed in ecclesiastical law that it was not lawful for a metropolitan to have his cross borne before him outside his own province.' In the following year the outraged

¹ The use of a cross, which after the ninth century became a distinguishing mark of papal legates, and was later granted as a personal favour to certain primates, was permitted to metropolitans, who had received palls, about the beginning of the twelfth century. The privilege was finally extended to all archbishops by Gregory IX, as a distinguishing mark of their dignity; and the cross is placed in pale

prelate refused to obey his rival's summons to a legatine council, and Henry, considering the affront which had been put upon him, approved his action. Honorius II, moreover, reprimanded William for his behaviour, and confirmed the right of Archbishops of York to share in the coronation of kings. In reply to the declaration of ecclesiastical independence now made by Scotland, and to the claims of patriarchal authority throughout Britain raised by Canterbury, Thurstan revived the see of Witherne and founded that of Carlisle (1133). In later days, however, his generous disposition led him to seek reconciliation with his enemy. He attended his legatine councils, and, in a letter pointing out the advantages of common council between the Heads of the Church, he requested Corbeuil's advice as to certain dissensions then going on in the Abbey of St. Mary, York.

The Battle of the Standard (1138), with which his name is associated in history, was a fitting termination

behind their arms. Long before this, both in Britain and on the Continent, it was the custom for archbishops to use a staff headed with a small cross, instead of the ordinary pastoral staff; and such a staff appears in the shields of Canterbury, York (ancient), Armagh, and Dublin. According to modern usage, the cross borne before an archbishop is a crucifix placed on a staff, and in processions the figure of the Saviour is turned towards the prelate. The archiepiscopal cross is borne before, and not carried by the archbishop; and in the sacred office the prelate uses the ordinary crozier or pastoral staff like any diocesan bishop; but it became the custom in the thirteenth century to represent the archbishop as holding in his left hand a cross. After 1250 Archbishops of Canterbury are always so represented, while Archbishop Geoffrey Ludham (1258—1265) is the first Archbishop of York upon whose seal is found an archiepiscopal cross (Woodward, Ecclesiastical Heraldry, 109).

to the active life of this stalwart champion of York. Infirm and old though he was, by his commands the forces of the north rallied round the standards of St. Peter, St. Wilfred, and St. John, and under the command of the Bishop of Orkney, routed the Scotch at Northallerton. In the description given by a northern chronicler, Thurstan is regarded rather as a principal than as the Lord Lieutenant of an English King; 'In the year 1138 there was war between David, King of Scotland, and Archbishop Thurstan. Then did the Archbishop cause to be made on Cowton Moor near Northallerton, in subterranean passages, certain terriblysounding instruments called "petronces," which, with their horrible din, so terrified the beasts and cattle which went before the Scottish army, that they rushed madly back upon the forces of King David, and threw them into disorder. Thus did the Archbishop with the royal forces put the enemy to flight, and slay many, and carry off great spoil' (Histor. of York, ii. 266).

'Surely is this man rightly named Thurstan,' concludes the admiring Hugh, 'who ever as a "turret stands" before us in the face of the enemy.'

APPENDIX.

Confirmation of the privileges and possessions of the Church of York by Calixtus II. Gap., March 11, 1120.

Calixtus episcopus servus servorum Dei venerabili fratri Turstino Ebor, archiepiscopo ejusque successoribus canonice substituendis in perpetuum. Antiquam praeterea Eboracensis ecclesiae dignitatem integram conservari, auctore Domino, cupientes, et praedecessorum nostrorum sanctae recordationis, Urbani Pascalis et Gelasii, Romanorum pontificum, sententiis adhaerentes, auctoritate apostolica prohibemus ne ulterius aut Cantuarensis archiepiscopus ab Eboracensi professionem quamlibet exigat, aut Eboracensis Cantuarensi exhibeat; neque, quod penitus a Beato Gregorio prohibitum est, ullo modo Eboracensis Cantuarensis ditioni subjaceat; sed juxta ejusdem patris constitutionem 'ista inter eos honoris distinctio in perpetuum conservetur, ut prior habeatur qui prior fuerit ordinatus.' Sane si Cantuarensis archiepiscopus ab Eboracensi electo consecrationis manum subtraxerit, quam videlicet, juxta ecclesiarum suarum morem ab Honorio Apostolicae sedis pontifice institutum, invicem sibi debent, liceat eidem Eboracensi secundum communem ecclesiae consuetudinem et praedicti patris nostri Gregorii sanctionem et domini nostri sanctae memoriae Pascalis papae mandatum, a suis suffraganeis consecrari,—Historians of York (Rolls Series), vol. iii. 42.

CHAPTER IV.

THOMAS BECKET AND ROGER OF PONT L'EVÊQUE.

AUTHORITIES: Materials for the Life of Becket (Rolls Series).

Αΐλινον αΐλινον είπε, το δ' εδ νικάτω.—Aeschylus.

In the pell-mell of Stephen's reign both archiepiscopal sees suffered in dignity. While the disputed elections of William FitzHerbert and Henry Murdac, following the death of Thurstan (1140), paralyzed church government at York, the northern province was at the same time harassed by Scotch raids on Cumberland and Northumberland. Canterbury saw herself eclipsed for a season by her suffragan of Winchester; for in the year 1139 Bishop Henry of Blois, the King's brother, secured for himself the Roman legation in England; and, three years later, attempted to exalt his bishopric to metropolitical rank, with the sees of Salisbury, Exeter, Wells, Chichester, Hereford, Worcester, and another in Hyde · Abbey, as a province. He is said to have actually received a pall in 1142 from Innocent II (Ralph de Diceto, i. 225); and the death of the Pope and consequent termination of the legatine commission, alone

prevented this threatened dismemberment of the southern province.

When comparative quiet followed the accession of Henry II, anxiety to regain their lost prestige quickened the traditional rivalry between the successors of Augustine and those of Paulinus. Ambition was at the same time stimulated by desire to wield those almost unlimited powers, which so lately had been shewn to lie to the hand of an able ecclesiastic. In the hurly burly of the civil war, the Church, sole vindicator of order in a distracted land, 'had climbed the throne and almost clutched the crown.' For a time her councils had taken the place of national assemblies, while due respect for her privileges was the condition, under which in turn Stephen was permitted to reign, and Matilda to be 'lady' of England and Normandy. At her head Henry of Blois, legate of the Holy See, had been 'lord' of England, 'a king and more than a king.' And now in the year 1163, as though by conspiracy of circumstances, keen personal animosity was to embitter the war between the two primates. In the days when Roger of Pont l'Evêque and Thomas Becket first met as youths in the household of Archbishop Theobald, the former could not bear with patience the favour which his younger. rival obtained. 'He not only was consumed internally with envy, but would often break out into contumely and unseemly language, calling Thomas "clerk Baillehache," for so was named the clerk with whom he first came to the palace.' Twice did he secure his dismissal from the household (Roger of Pontigny; Grim; Fitzstephen). On his promotion to the see of York in 1147, Roger refused to accept consecration from Archbishop Theobald save as legate of the Holy See, and withheld the oath of obedience to Canterbury; and when for this reason in 1162 his claim to 'hallow' Thomas was disallowed, his ancient hatred revived. In July of the same year he obtained from Alexander III a privilege to crown kings, and to have his cross borne before him throughout all England, 'after the manner of his predecessors,' and forthwith proceeded to parade the ensign of his metropolitical power in the southern province (Materials, etc., v. 21, 67). At the Council of Tours, May, 1163, the rivals met, and Roger claimed precedence by right of prior ordination, arguing his case before the dismayed assembly at such length, that the wearied Pope was fain to stop the discussion by seating the rivals in precisely equal positions 1.

Meanwhile troubles were gathering round Thomas from another direction. In the new Archbishop, Henry had hoped to find an ally in his scheme of sweeping away clerical privileges and remedying the abuses of the Church according to his own unembarrassed discretion. No sooner, however, was Becket established in the see of Canterbury, than he showed himself the

¹ The Council of Tours, an assembly of seventeen cardinals, a hundred and twenty-four bishops, four hundred and fourteen abbots, and clergy without number, was summoned to declare on behalf of Pope Alexander III against Cardinal Octavian, who in 1159 had been elected in opposition to Alexander, and as Victor IV was acknowledged as Pope by the Emperor Frederick Barbarossa. How time was wasted in preliminary sermons and discussions owing to the exuberant

determined defender of his Order, the resolute opponent of that system under which all government, ecclesiastical as well as civil, was to be concentrated in the strong hands of the King. In his opinion, the reform of the Church must be the work of the Church herself. His friendship with Henry, strained by attempts to recover property alienated from the see of Canterbury, by assertions of the immunity of Church lands from the payment of imperial dues, of criminous clerks from responsibility to secular courts, was finally

verbosity of the preachers and disputants, before the Council could proceed to business, is described in the 'Draco Normannicus' (Chronicles of Stephen, Henry II and Richard I (Rolls Series), vol. ii. p. 743).

Primus Alexander, Romano more politus, Incipit, eloquium fluminis instar adest; Dicta David pandens, sanctos quod congregat illi Summo, multiplici verba tenore regit. Willelmus sequitur, verbis radians, Papiensis.

Post hunc Henrici Pisani sermo coruscat, Rhetoricis clarus floribus atque locis. Hinc Rodomi praesul loquitur, post Eboracensis,

Hic siluit Thomas antistes Canturiensis,
Ut minus edoctus verba Latina loqui.
Cessit apostolicus Arnulfo Lexoviensi
Concilium verbis irradiare suis;
Sed fluvius torrens emergens fontis ab imo,
Vix reprimi valuit vocibus atque manu.

Arnulf himself, in a letter preserved by Labbe, declares he stopped speaking because his audience could not hear him.

Hos post sermones causarum turba subintrat:
Hic Digesta sonant, Codicis atque vigor.
Orditur causam praesul post Eboracensis;
Contra quem geritur Canturiensis adest.

ruptured at the Council of Westminster (October, 1163). Then was it that, rallying round him the wavering prelates of England, he refused to subordinate clerical privileges and immunities to the alleged customs of the realm. War between crown and mitre was declared.

Throughout the great duel which followed between these champions of temporal and spiritual powers, the honour of Canterbury was the joint in the harness

> A puero doctus studiis legisque peritus, Concilio coram tres tenet inde dies.

Primatem regni se judicat esse debere Ut prior electus necne sacratus ibi.

Roger sets out the whole history of the dispute from the times of Thomas I and Lanfranc.

Haec renovare volens Rogerius Eboracensis
Turbine verborum cuncta sonare facit.
Se Dorobernensi Thomae proponit ubique
Verbis ingenio culmine sede loco.
Causam pertractans, hanc tantis viribus auxit,
Judicis ut papae mens stupefacta foret.
Pluribus absumptis haec pertractata diebus,
Tandem fine suo clauditur, hocque modo
Terminat hanc praesul Romanus; dividit ambos;
Sedibus aequales sunt in honore pares.

Causa diu dilata venit nunc Octaviani.

Ralph de Diceto, however, states that Alexander placed Thomas and his suffragans on his right hand, Roger with the Bishop of Durham on his left (Rolls Series, i. 310).

It appears that, owing to the small size of the church of Tours, the regular order of session could not be observed; and as for this reason there were many disputes among the prelates in attendance, Alexander declared that their position on that occasion should not prejudice their rank in the future. In June, 1163, he wrote to Roger a letter as evidence of this ruling (Historians of York (Rolls Series), iii. 72).

through which the King smote the Primate. By the advice of Arnulf, Bishop of Lisieux, Henry forthwith set himself to win over certain of the prelates from the compact line of his opponent's forces (William of Canterbury). At the head of these renegades stood Roger of York. Gilbert Foliot, who, disappointed in his aspirations to the primacy, had alone opposed the promotion of Becket thereto, readily lent himself to the scheme. Hilary, Bishop of Chichester, who had already yielded to the King's wishes at the Council of Westminster, joined the band, and attempted to persuade Thomas to give way. 'You will never lead me astray,' was the answer of the Archbishop to 'this Judas among his brethren,' 'I know well that you and the Archbishop of York have consented to the royal customs, in order that others may be induced to follow your example; but rest well assured that I will never share in your guilt' (Grim). Acts of insubordination directed against the primacy of Canterbury quickly followed; and the denial of archiepiscopal jurisdiction by Clarembald, Abbot of St. Augustine's, Canterbury, the refusal of Foliot to renew oath of obedience on his translation from the see of Hereford to that of London. the parade of Roger's cross in the southern province, rather than the graver questions at issue between Church and Crown, are the subjects of the correspondence which passed at this time between Thomas and his agents at the papal court (Materials, etc., v. 55-61).

In January 1164 was held the Great Council at Clarendon, when the alleged 'ancient customs' and

'royal dignities' were reduced to writing in sixteen articles known as the Constitutions of Clarendon, and produced for confirmation. English Temporal Law was then for the first time authoritatively drawn up, and arrayed for the struggle against Roman and Canon Law. That no royal vassal should be excommunicated, nor his land placed under interdict, save with the king's knowledge and consent; that no bishop or beneficed clerk should leave the kingdom without royal license; that the election of bishops and abbots should be in the king's chapel with his assent, and the elect, paying homage and fealty before consecration, should hold his possessions as a barony subject to feudal dues, were indeed but enactments of time-honoured customs. Others of these 'ancient dignities' were, however, manifestly the invention of one determined to establish a despotism by crushing down clerical to the same level as he had reduced feudal privilege; to break down the stronghold of the Church even as he had demolished the castles of the baronage. Disputes concerning the advowson and presentation of churches were now to be tried and concluded in the king's court. There, too, clerks accused of any offence were to be subject to trial if the matter were one belonging to its cognizance; and should the case be referred to the ecclesiastical court, the king's justiciar was given the right to send an officer to watch the proceedings, and to remove convicted clerks from the protection of the church. Appeals in ecclesiastical matters were no longer to lie in the last resort to Rome, but their course was to run from archdeacon to bishop, from bishop to archbishop; and if the archbishop should fail to do justice, then to the king, that by his precept the controversy might be ended in the archbishop's court, and go no further. The Constitutions, in fact, made the king's courts and the king's jurisdiction superior to those of the archbishop, and final; and their effect is summed up in the two lines of the old chronicler;

'That the king be in the Pope's stede, And amend the archbishop's dede.'

With such measures Becket passionately refused to comply, and the bishops were at first inclined to support him. Then Henry gave way to one of his savage fits On the third day of the Council king'smen burst into the ecclesiastical conclave, threw back their cloaks, and holding forth their hands, exclaimed, 'These arms, these bodies of ours, are the King's; and they are ready at his nod to avenge his wrongs, and to work his will whatever it may be. Submit therefore before it is too late.' The Earls of Cornwall and Leicester warned the bishops of severe treatment in store for them unless they gave way; and at length Thomas, intrepid himself, yielded to the fears and entreaties of others, and gave his consent to the Constitutions. was while the Archbishop was openly repenting his momentary weakness, 'afflicting himself with fasting and rough garb, and suspending himself from the office of the altar,' that Henry struck his first direct blow at the honour of Canterbury. He had been advised to request a grant of the Roman legation over England for

the Archbishop of York, being assured that by this means his opponent would be shaken in his resistance (Grim). Alexander, who had already declined to confirm the Constitutions of Clarendon, fearing now to enrage the King by further refusals, sent him a legatine commission for Roger; but exacted from the royal envoys a promise that it should not be delivered to the Archbishop of York without his further consent (Materials, etc., v. 87). At the same time he assured Becket, that, in the event of the King handing the commission to Roger, he would straightway exempt his person and church from all jurisdiction of the legation. The heart of Thomas was heavy within him when he heard that powers, which Anselm had once declared to be inherent in Archbishops of Canterbury by virtue of their office, were about to be conferred on the rival primate. His spirits rose again, when the King, impatient at the condition attached to the grant, returned the commission to the Pope, and failed to secure its reissue (Materials, v. 91-94).

When the time for the great council at Northampton was come (Oct., 1164), Henry had resolved to ruin his former favourite. In the words of the Icelandic Thomas Saga, 'he set himself to seize upon the primacy of Canterbury, to drag her foreman before the doomstool, and with violence to bring shame upon him.' Before the council was half over, Thomas stood practically alone. Each day of that memorable week brought forth some new charge, some new claim against him either as Chancellor or Archbishop; and compromise

became impossible. Friends and foes alike realised his impending disgrace; and while 'barons and knights came no more to see him at his house, for they understood the mind of the King,' and of those who had fed at his table was scarcely one left to bear him company, the triumvirate of his enemies redoubled their efforts to discourage and undo him. Gilbert Foliot, in his jealousy. advised that, in consideration of past favours and of the dangers which threatened the Church, the Primate ought to resign his see, even though it were ten times as much, and submit himself to the King; 'Every tree which my Heavenly Father hath not planted, shall be rooted up' prophesied Hilary of Chichester; and Roger of York, usurping the constitutional office of Archbishops of Canterbury, was become the confidential adviser of the Crown.

Rumours of conspiracies to take his life, of torture and imprisonment in store for him, were in the air, when, on the last day of the council, Thomas was summoned to receive judgment; and early that morning, in anticipation of death, he went to the altar of St. Stephen in the monastic church, and there celebrated the mass of the proto-martyr. He then started to go to the court.

Enthusiasm ran high in his favour among the ranks of the people, prepared, as they were, by memories of Rufus and Stephen, to put no trust in the despotism of princes, and eager in their recollection of Anselm and Theobald to support the present champion of the Church. The privileges, moreover, for which the Archbishop was now contending, transferred not only priests and

ecclesiastical officers, but many of the most helpless in the community also, from the bloody grasp of the royal courts to the more merciful jurisdiction of the bishop: one of those very Constitutions, against which he was hazarding his life, would have shut the one gate of promotion which lay open to the lowest class in the state. But beside and above the attraction of his cause was the magnetic personality of the man himself, which throughout his career drew to him the intense love, not only of his immediate followers, but also of men of all sorts and conditions at home and abroad; and now, as he rode to Northampton Castle, there went with him a multitude to see the end of the matter.

At the gate Thomas dismounted, and taking his cross from his cross-bearer, entered the court-yard. And as he approached the great hall where the prelates were assembled, one of his household, Hugh de Nunant, said to the Bishop of London, 'My lord, will you permit the Archbishop to carry his cross himself?' 'A fool he always has been, and will ever abide in his folly' was the reply; but, a little later, when Thomas was seated in the great hall, still sheltering himself beneath the sanctuary of the cross, Gilbert made a vain attempt to wrest the sacred emblem from his hands. Roger of York was the last prelate to enter the hall. 'He came late to court,' says Fitz-Stephen, 'that he might be the more conspicuous, and not seem to be of the King's counsel. He had his own cross borne before him, though it was outside his province, "like dart threatening dart." He had been forbidden, indeed, by the Pope,

to have his cross carried before him in the province of Canterbury; but when he received the prohibition, he interposed an appeal, and thereby considered himself safe.' Such a direct affront to their Primate would at any other time have called forth an active protest from the suffragans of the south, but now passed without rebuke; and Roger forthwith proceeded to upbraid his rival because he came, as it were, armed, to court; warning him that the King held a sharper sword, and that it would be wise to lay aside his cross (Hoveden). Then one of those who stood by, said:

Crede mihi, si credis ei tu decipieris; Fistula dulce canit volucres dum decipit auceps; Impia sub dulci melle venena latent. (Ovid.)

Thomas therefore refused to lay aside his safeguard, saying, 'If the King's sword slay the body, my sword strikes the spirit and sends the soul to Hell'; and when Roger still persisted in his entreaty, he detected the guile in his tongue. 'Get thee hence, Satan!' he replied; and Roger followed the rest of the bishops into the inner room where the King was.

L'archevesque Roger de cel conseil eissi;
Fet l'archevesque 'Aiez de vus merci,
De nus tuz ensement, kar maus sumes bailli,
Se ne fêtes del tut le voil al Rei Henri.'
'Vade retro Sathanas!' sainz Thomas respundi.

(Garnier de Pont St. Maxence.)

The Archbishop of York had not been long upon the scene when the inner room was thrown into a state of wild confusion. Henry had been informed that Thomas declared the trial in the royal courts of an Archbishop

of Canterbury, 'the spiritual father of the King and of all who were in the realm,' to be without precedent; that he had complained still more strongly of a judgment passed upon him by the bishops earlier in the week, and had appealed against it to the Pope; while he forebade his suffragans to take any further part in the proceedings against him. The King's fury rose as he listened, and threats of vengeance reached the hall where Thomas sat, significant voices telling of oppressions and barbarous acts committed by the King's ancestors upon obstinate ecclesiastics, and of the manner in which 'William, who subdued England, had tamed his clerks.' Becket's murder seemed imminent. At this crisis Roger re-entered the hall. 'Let us go hence,' said he to his clerks. 'It is not fitting for us to see what is shortly to be done to him of Canterbury': but one of them answered, 'I will not go until I see what is God's will in this matter. For if the Archbishop should strive for the right even unto death, he could not die better' (Alan).

In vain did the Archbishop of York seek to conceal his responsibility for the violence threatened to his rival. To him came the bishops, fearing that, if injury were done to the popular tribune, they would be cast out of their offices and honours, and dreading the everlasting shame that would fall upon them should he be made prisoner or killed. 'If we fear such consequences for ourselves,' said they, 'what will be your fate if you procure and suggest such things' (Roger of Pontigny). Then went he to the King and dissuaded him from

using violent measures when there was so mighty a concourse of the people, suggesting instead, that, when the council had been dismissed, the Archbishop should be summoned, and sent to prison without witnesses (William of Canterbury). This advice seems to have been accepted. The bishops, who in view of Becket's prohibition still refused to join in any judgment upon him, were excused, on condition they appealed against him to the Pope for violation of the oath he had sworn at Clarendon; and the duty of announcing the appeal fell to Hilary of Chichester. Then the nobles entered the hall; but when the Earl of Leicester would have delivered judgment, Becket charged him to proceed no further. With cross erect he departed from the court amid a clamour of abuse and tumult, which Grim asserts was no less than if the four quarters of the city were on fire, or had been entered by the enemy. But as he rode from the castle to the monastery where he lodged, condemned by the barons and deserted by the bishops, he scarce could manage his horse and carry his cross, for in the streets and ways were throngs of people worshipping him and craving his blessing as he went.

Throughout the six years which Thomas spent in exile after his 'fight with beasts' at Northampton, Foliot is the most conspicuous of his enemies; foremost in demands for the surrender or deposition of the fugitive, fiercest in the confiscation of his property and the persecution of his friends. In dreams of his own martyrdom which vexed the troubled spirit of Thomas, all bitterness of death passed away at the pendent vision

of this 'standard bearer of iniquity undergoing future torment, his flesh rotting from his bones and falling to pieces.' All ecclesiastical censure the rebel avoids by the interposition of appeal, legatine commissions of inquiry, and suspension of sentence; and sets the example of disobedience to Thomas both as metropolitan, and later as papal legate. Finally, when excommunication is pronounced upon him, he denies that

Et à seinte Columbe un autre feiz sonja; El consistoire esteit en plet, ce li sembla, E encuntre le Rei d'Engleterre pleida: E li Reis en sa cause durement le greva. Elaires de Cicestre le greva durement, Gileberz Foliot de Lundres ensement. Li cardinal se tindrent al Rei communement: Si qu'en tute la curt n'out nul maintenement, Fors de Pape Alissandre, qui l' maintint solement, Mes tant cria vers els et vers lui autres. Oue tut fu enroez de la noise et del cri. Elaires de Cicestre en la cause amui. Al evesque de Lundres tute la char purri, Si ke par pieces jus tut ses cors dechai. Dunc fist saint Thomas prendre li Reis, sans nul demur. Et escorchier le chief a cutels tut entur. Mès li ber ne senteit anguise ne dolur, Et pur co qu'il s'en rist, fut li Reis en irur; Et li sainz s'esveilla idunc en effreur. En la cause véimes l'apostoille afeiblir K'il ne put l'archevesque cuntre tuz maintenir; Elaire de Cicestre véimes amuir Et repentir del mal qu'il ont fait al martir. Or se guard c'il de Lundres, ne vienge al dechair.

Garnier de Pont St. Maxence.

Fitzstephen (Materials, iii. 53, etc.) states that before the recall of Thomas to England, Hilary of Chichester, 'as though struck by God, died.' The fulfilment of the dream in the case of Foliot is described later in the text.

he owes any obedience to Canterbury, asserting that the see of London ought of right to be archiepiscopal, as it was in the days of early British Christianity; and that he will get the primacy transferred thereto. Roger plays a minor part to him during this period. From the legatine jurisdiction over all England conferred on Thomas in the year 1166, the Archbishop of York, as legate for Scotland, and his diocese, were expressly exempted (John of Salisbury, ep. 185); nor was it until the King aimed his last and fatal blow at Thomas through the privileges of Canterbury, that the primates were again in collision.

On June 14, 1170, Henry caused his son to be crowned at Westminster by the Archbishop of York, assisted by the Bishops of London and Salisbury. 'Terrible results,' says the chronicler of Margan, 'followed this ill-omened consecration, or rather execration; namely, the anathema of Becket on the officiating prelates; the murder of the Archbishop; and also the quarrels between the King and his son; and the premature death of the young prince' (Annales Monast., i. 16). No privilege was more keenly contested between primates than that of crowning and consecrating kings. In Germany. where by the golden Bull the coronation of emperors was to be performed at Aix-la-chapelle, the chaplains of the church erected there by Charlemagne, the archbishops of Cologne, long maintained against the Electors of Mentz, primates of Germany, the exclusive right of performing the act of consecration. In France, archbishops of Rheims claimed that St. Rémy had won for

them the like privilege to the exclusion of the archbishops of Arles and Lyons. So also in England extreme partisans of Canterbury asserted that the sole ministry in hallowing the sovereign had belonged to their see since the days of Augustine. Northern primates, however, claimed to exercise a corresponding right within the limits of their own province. They could cite numerous occasions when, in the days of the Heptarchy, archbishops of York had 'blessed and raised to their cynestole' kings of Northumbria. The oldest order of service for such occasions now on record, is the 'Missa pro regibus in die Benedictionis,' contained in the Pontifical of Abp. Egbert of York. Their right of crowning had received repeated confirmations from Rome, the last being granted by Alexander III to Roger of Pont l'Evêque himself, as late as July, 1162. However, since the union of the seven crowns, this privilege had become valueless, for with the ascendancy of Wessex, the places of coronation, Winchester, Kingston-on-Thames, and finally Westminster, had been fixed within the jurisdiction of Canterbury; and archbishops of York now claimed, and frequently with success, that, their province being, as it were, half the royal diadem, they were entitled to assist southern primates when present, and to officiate in their stead when absent. Thus the cooperation of Archbishop Oswald of York with Archbishop Dunstan of Canterbury in the coronation of Edgar at Bath in the year 973 had been deemed necessary for the complete and perfect 'enunciation of the consummation of English unity.' The same two prelates

had officiated at the hallowing of Edward (975), and Ethelred (978). On these occasions the king entered the church wearing his crown, and laid it aside as he knelt at the altar. Dunstan began the 'Te Deum,' at the conclusion of which the bishops raised the king from his knees, and at Dunstan's dictation he took a threefold oath. Consecration prayers followed, and then both archbishops anointed him; after which Dunstan invested him with ring and sword, and placed the crown on his head, and sceptre and rod in his hands. Both archbishops then assisted to enthrone him. like manner, at a later date, Aelfric of York had assisted Archbishop Eadsige to consecrate Edward the Confessor; and Roger himself is said to have taken part with Archbishop Theobald and the Archbishop of Rouen in the coronation of Henry II. As to the second part of the claim of northern primates, that of officiating in the absence of archbishops of Canterbury, precedents were to be found in the coronations of Harold and William the Conqueror by Aldred, Archbishop of York, when Stigand's right to his see was called in question: and in the admission made, as mentioned above, to Thomas of Bayeux at the coronation of Henry I.

On the present occasion, that of the coronation of the young Prince Henry, in addition to the fact of Becket's absence from England, papal letters, ascribed to the date June 17, 1167, justified Roger in his action by bidding him crown the Prince should the King require him to do so; and though this direction had since been withdrawn, and a final prohibition issued on February

26, 1170, to forbid the ceremony during the exile of Becket, this last command of the Pope apparently failed to reach the officiating prelates in time. Even after the event, Alexander III, when reprimanding Roger, by no means admits the exclusive claims of Canterbury; but allows that, if the coronation had been celebrated within the province of York, the northern Archbishop would probably have been acting within his right (Materials. etc., vii. 366). It was the intrusion into the province of another that deserved rebuke. The privilege of crowning and consecrating kings moreover, granted to Becket's successor Richard, in 1176, by the Pope, is limited to coronations performed within the limits of the southern province (Rymer's Foedera, sub anno 1170); and the conclusion seems to be, that at this time the right of Archbishops of Canterbury in the hallowing of kings amounted to little more than that of playing a leading part in those ceremonies when they took place within the limits of their metropolitical jurisdiction.

To Thomas, however, the maintenance of the exclusive privilege to crown and consecrate the sovereign seemed more than ever precious. In addition to the original dual signification of the ceremonial rite, namely, the popular election of kings and their investment with that sanctity whereby they styled themselves rulers 'Dei gratia,' there was to his mind implied in the gift of the crown by the head of the national Church, the power of that head to withhold it also, to set up or put down whomsoever he would in the kingdom of men. A few months later, when Henry and Thomas were

apparently reconciled at Frêteval, this last blow at the alleged privileges of Canterbury was remembered, when other injuries were forgotten. 'Among all the sundry and manifold proofs of your anger and indignation, which have been directed against me and mine,' said the Archbishop to the King, 'there is one which moves me more than all the rest, one which I cannot pass over without mention and redress. You have caused your son to be crowned by the Archbishop of York, and have thus bereft that Church, which with the unction of God's mercy anointed you to be king, of the peculiar privilege of hallowing the sovereign, which has been preserved to it since first Augustine founded the metropolitical see' (Fitzstephen). And Henry answered. 'I have always understood that by royal prerogative a king, who wishes to crown his son, may cause the ceremony to be performed by any archbishop or bishop Did not an archbishop of York crown my great-grandfather, William, who conquered England for himself? Was not my grandfather, Henry, hallowed to be king by a bishop of Hereford?' Thomas in reply explained that, in the first instance, Canterbury lay as it were vacant, owing to the fact that Stigand was not recognized as lawful archbishop; while, in the second, Anselm was in exile at the death of Rufus, and it was deemed dangerous to delay the coronation of his successor until the Archbishop's return. Henry then produced papal letters authorizing him to employ such prelates as he chose for the ceremony, but was forced to admit he had procured them when the see of Canter-

bury was empty, after Theobald's death; and that he had then declared he would rather see his own son beheaded than polluted by the heretical hands of Roger. Finally the King vielded: 'I doubt not that the Church of Canterbury is the most noble of the western Churches. nor do I wish to deprive her of her right. Rather will I, by your advice, strive to give her relief, and restore her ancient dignity. As for those who up to this time have betrayed us both, I will, with God's help, give them such answer as traitors deserve.' According to the accounts of Fitzstephen, Herbert of Bosham, Gervase of Canterbury, and others, Becket then obtained permission to punish the offending prelates; and subsequently sought from Alexander those fatal letters which imposed sentence of suspension on Roger of York, of excommunication on the Bishops of London and Salisbury.

Throughout this interview, the easy compliance of the King, his studied avoidance of such dangerous topics as the Constitutions of Clarendon and other contentious matters, his unnatural control of temper, had been suspicious; nor was it long before the hollow nature of this pretended reconciliation became clear. Fitzstephen, indeed, asserts that the coronation of the prince and this pacific interview, closely following one another, were the preliminary steps in a plot to allure Thomas to England, and there murder or imprison him. 'The King,' he asserts, 'had this question put to him by someone, either in a letter or by conversation, "Why is the Archbishop kept out of the country? He will be

far better in than out." The hint was given to one who understood it. The King, therefore, arranged a conference to treat of a peace, and then conceded every thing which before he had refused; but first he caused his son to be crowned with despatch, on account of a certain result which might possibly take place; so that if a crime were committed, the kingdom could not be punished on his account, seeing that he would be no longer king.'

In spite of Henry's refusal to seal the reconciliation with a kiss of peace as security for good faith, in spite of the warnings of his friends abroad and the hostile attitude of his foes in England, Thomas, though conscious of his impending martyrdom, stood firm in his 'Though I be torn resolution to return to Canterbury. limb from limb, I will not hesitate,' said he on the beach at Witsand. 'Has not the flock been without a shepherd long enough? One only request I make, that in death I may rest in that Church to which in life I am denied admittance.' One of his last letters to the Pope describes what followed; 'It is known to you, Holy Father, with what just and honourable conditions I made peace with the King of England, and how he has withdrawn from his promises. This breach, however, must be imputed not so much to him, as to those authors of discord of whom the chief are the Archbishop of York and the Bishop of London. standard-bearers of the Balaamites so far succeeded in their endeavours to break the peace, that by their advice the King detained all my revenues from the feast of St. Magdalene to that of St. Martin, then handing over to me vacant houses and demolished barns. But though in this matter, and in the failure to restore to us many possessions of our Church, he acted contrary to his promises, I determined to return to my distracted Church, so that if I could not raise her, I might perish with her. Now when those enemies of mine knew thereof, they plotted with the officials of the King and that son of perdition, Ranulf de Broc, to guard with armed bands all the ports at which I might land, so that my baggage might be thoroughly searched on arrival. and the letters you gave me taken away. But by the Divine will it happened that their plans were made known to me; and I accordingly, on the day before I myself crossed, sent over your letters, in which the Archbishop of York was suspended and the Bishops of London and Salisbury replaced under sentence of excommunication. On the following day I sailed myself, and reached my place after a prosperous voyage, taking with me by the King's command, John, dean of Salisbury, who saw not without some grief and shame the armed men I have mentioned, hastening to our ship that they might do us violence. And the said dean, fearing lest if any evil happened to us or ours, it should bring infamy on the King, advanced towards them, and declared in the King's name that any who should hurt us would be guilty of treason, and thus persuaded them to lay aside their arms.' A still stronger reason prevented them from opposing the Archbishop's landing. As the vessel approached the harbour, a multitude of the people

flocked forth to greet their spiritual protector. Many rushed into the water to meet him; others knelt on the shore where he would pass, to receive his blessing. Then followed his triumphant procession to Canterbury. 'Though the way was short, yet among the thronging and pressing crowds scarce in that day could he reach the city. As he approached, he was awaited by the poor of the land as an angel of God with prayer and ovation; wherever he passed, small and great, old and young, ran together, throwing themselves in his way and strawing their garments before him as he went, crying and exclaiming, "Blessed is he that cometh in the name of the Lord." Priests with their parishioners met him, bearing their crosses and begging his blessing; and at his entry he was received with trumpets and hymns and spiritual songs.' 'It was as though the city were one voice about a king returning from the wars.' 'His holy monastery greeted him with reverence and veneration. Proceeding to the cathedral he stood upon his episcopal throne, and received to the kiss of peace each brother, one by one, with many sighs and tears from all.' The victory of the Church was won. 'My lord, it matters not now when you depart from us,' said his disciple, Herbert of Bosham. 'To-day in you Christ's bride has conquered; Christ conquers, Christ reigns, Christ rules.'

'On earth peace to men of good will' was the text of the sermon, in which, on Christmas Eve, Thomas foretold his approaching martyrdom to his weeping flock at Canterbury. 'But, save to men of good will, there should be no peace'; and he repeated his denunciations of the prelates, and thundered excommunication against all who had dared to injure the property of his see. His enemies were in dismay. When he had first reached Canterbury, officers of the King, on the information of the Archbishop of York and the Bishop of Salisbury, had asked of him absolution for the offenders. This request he at first refused to grant, on the ground that no man could venture to invalidate what the Apostolic See had decreed; but, on further pressure, he had promised that, if the Bishops of London and Salisbury would swear to obey the order of the Pope, he would incur the responsibility of absolving them. It was Roger of York, who, in fear, now dissuaded his fellow culprits from yielding, and seeking absolution of their victorious primate: 'I have, by God's grace,' said he, 'eight thousand pounds in my treasury. This I am willing to expend to the uttermost farthing in curbing the rebel nature of Thomas, and scattering his pride, which is greater than his courage. Let us seek help of the King' (William of Canterbury). When the three prelates were come to the King in Normandy, it was Roger who constituted himself their spokesman. 'My companions,' said he, 'have been forbidden fire and water, and no one may communicate with them without sharing the sentence passed upon them for assisting to crown your son. At the present moment, that thankless fellow, whom you permitted to return to England, forgetful of your clemency, is making a circuit of the kingdom with seditious intent, at the head of an armed

force. We have suffered trouble and loss, we have been held guilty when conscious of our innocence, yet all these vexations count for nothing with us if we still retain your favour.' And the King said, 'If all who took part in the coronation are to be excommunicated, then I myself am not safe.' 'The storm must be endured which cannot be escaped,' said Roger; and when the King asked advice of him, he answered, 'It is not for us to say what should be done; ask rather of your men of war': adding, after a pause, 'As long as Thomas lives you will know no peace, and enjoy no quiet seasons.' On hearing this, such fury got hold on the King, and was noticeable in his wild look and gestures, that it was immediately understood what he wanted. 'A fellow.' he cried, 'who has eaten my bread, dishonours my race and tramples down my kingdom, while you, the companions of my future, look on unmoved.' According to Garnier, it was Roger who now suborned four knights of the King's household, supplied them with money, and suggested what manner of speech they should use when they were come to the Archbishop of Canterbury.

Rogiers del Punt l'Evesque les aveit conveiez

Et à fère le mal les a mult enticiez:

'Par Thomas est li règnes trublez et empeiriez;

'S'il esteit morz, co dit, tut serreit apeisiez.'

De quant qu'il ferunt prent sur sei sul les pecchiez.

La cause et tous les moz lur al dit et formez

Qu'il unt puis l'archevesque en sa chaumbre mustrez.

A chascun des quatre a LX mars donez

La fu li justes sanc venduz et achatez.

As Gieus est Judas li coveitos alez.

(Garnier.)

Absolution of the prelates was made the condition of life and death. 'It was through you,' said these ruffians, when they first spoke with Thomas in the palace, 'that those, by whose ministry the King's son was crowned. were suspended. Absolve them.' And he answered, 'It is beyond my power and utterly incompatible with my position to do so. Those whom the Pope hath bound, must seek absolution of the Pope. Let them go to him, on whom redounds the contempt they have shown towards me and their mother, the Church of Christ at Canterbury.' And when they bade him depart with all his men from the realm, for that thenceforward peace with him would be impossible, he steadfastly refused: 'From this day forward no one shall place the sea between me and my Church. I came not to fly; here he who wants me shall find me.' And again, at the last, when the murderers sought him in the cathedral, they repeated, 'Restore to communion those whom you have excommunicated, and give back their power to those you have suspended'; and when he replied. 'There has been no satisfaction, and I will not absolve them,' those avengers of York cried, 'Then shall you die'; and slew the unconquerable martyr, as he maintained to the end the dual cause for which he had lived -the privileges of the Church; the primacy of Canterbury.

Like Samson, Becket by his death brought down on his foes discomfiture more signal than any he had dealt them in his life. Not only at Montmirail, when he refused 'to deny the honour of God for the face of two kings,' had the eyes of all men been fixed upon him. For six years past the courage of the Archbishop, who fought the battle of the Church almost single-handed against the richest and most powerful potentate of the time, had absorbed the attention of Europe. place, the time, the manner of his martydom,' writes Daniel, 'now aggravated hatred of the deed, and made compassion and opinion to be on his side.' against the King as his murderer was demanded on all sides. Sentence of excommunication and interdict was threatened. Henry's envoys could scarcely gain audience of Alexander, and with great difficulty induced him to fix In obedience to these, on May terms of reconciliation. 22, 1172, at the Cathedral of Avranches, in the presence of legates appointed for that special purpose, Henry, among other promises, swore to restore the possessions of the Church of Canterbury as they had been a year before the primate's exile, and to reinstate those who had suffered exile for their adherence to Thomas; that appeals should be free; and that customs introduced during his reign against the liberty of the Church should be abrogated. Freedom of election to bishoprics and abbacies was restored. The Constitution of Clarendon relating to the trial of criminous clerks, if not absolutely renounced, was so far modified, that, in 1176, Henry agreed that no clerk should thenceforth be imprisoned or brought before a secular tribunal for any criminality or trespass, except trespass of the forest, and questions of lay fees for which lay services were due. By the same act the murderers of clerks were to incur forfeiture of inheritance over and above the customary penalties, and clergy were not to be compelled to ordeal by battle. On July 12, 1174, when half England was in a state of insurrection, when the Scots had crossed the border, and his eldest son, professing himself the avenger of the martyr's death, the vindicator of the Church's liberties, had risen in rebellion, Henry made further and fuller penance at Canterbury. Walking barefoot from the outskirts of the city to the cathedral, he prayed at the scene of the murder; he made rich offerings of silk and gold; he gave lands to the Chapter. Then in the crypt, placing his head and shoulders in the tomb, 'at his own petition, though he was so great a man, yet was he beaten with rods by each bishop and abbot present.'

Roger of York, if guilty of a mistake as a statesman in aiding and abetting the murder, had also blundered as an archbishop jealous for the position of his see. There was nothing which served more effectually to raise the Church of Canterbury to an eminence beyond reach of rivalry, than the possession of the martyr's relics. Immediately after the death, miracles began. 'At first,' said Gervase, 'they were done round his tomb, then through the whole of the crypt, then through the whole cathedral, then throughout all Canterbury; then England; then through Normandy, France, Germany, and in short through the whole Church of Christ which is spread throughout the world. And that he might the more fully confirm, by renewing them, the ancient miracles of the saints, which had in some measure been blotted out from men's hearts through unbelief,

he at first, as if by way of prelude, began with moderate miracles; and so, ascending by little and little, as the fame of his sanctity increased, he arrived at the highest, and in a short time ran through all the wonderful deeds of the Gospels and the Apostles.' At the beginning of Lent, 1173, the Pope, at the request of the French clergy and people, pronounced the canonisation of St. Thomas. Peoples and nations and languages flocked to reverence his remains. On the anniversaries of his death, December 29, 1190, and of the translation of his remains from the crypt to the shrine, July 7, 1220, on the occasions of the jubilee festivals every fiftieth year, tens of thousands of pilgrims enriched the Church of Canterbury with their offerings. Roger would hear of the celebrated visit of Henry and Louis VII of France, when the oblations of gold and silver were so vast that Brompton would not record the amount, lest he should seem to write what was incredible; when the French king presented a golden cup at the tomb and promised a rent of one hundred measures of wine yearly; parting, moreover, before he left the cathedral, with that wondrous ruby, the Regal of France, worth a king's ransom. Roger himself, before he died, would keep repentant vigil, and make an offering at the tomb; and it was there, that, in after years, his successors would pay tribute, in acknowledgment of the supereminence of Canterbury. Meanwhile, the Church of York was starving for the spiritual and temporal advantages which resulted from the possession of attractive relics. Saints of the northern Church lay buried elsewhere than in the cathedral of the province. Paulinus rested at Rochester; Wilfrid at Ripon; John at Beverley; Oswald at Worcester. Thurstan, by his own request, was buried in the priory of St. John at Pontefract. When at length, in 1227, William Fitzherbert was canonised and adopted as the patron saint of York, the efforts of the York clergy secured him merely a local celebrity. Many notable miracles wrought by him were scrupulously recorded in the official books of the cathedral, none probably with more pride than the wondrous healing of Albreda, a woman of Gisburne, who had previously sought relief in vain at Canterbury (Histor. But his shrine was never a centre of of York, ii. 537). great popular pilgrimages; nor could it be mentioned in the same breath with that of the martyred Thomas, whereof the meanest part was gold, and that gold scarcely seen for the precious stones and sculptured gems with which it was studded.

Roger, until his death, lay under suspicion of murder. John of Salisbury and William, Archbishop of Sens, charge him directly with the crime; the former declaring that, like Caiaphas, he had suggested that 'it was expedient that one man should die for the people,' and had rejoiced over his dead rival as a 'Pharaoh cut off in his pride' (Materials, vii. 433-527). His contemporaries generally lay the sin to his charge. For a year, the sentence of suspension, already passed upon him, remained in force; but in December, 1171, this was removed, after he had sworn that he had not bound himself to obey the Constitutions of Clarendon, that he

had not received the papal prohibition of the prince's coronation, and that he had not connived at Becket's murder (Ralph de Diceto). Nevertheless, both he and Foliot, who was absolved in May, 1172, were forbidden to take part in the coronation of the younger Henry's queen in the following August (MSS. Lansdowne, Materials, iv. 174). 'Foliot, overwhelmed with vexation, fell sick and lay nigh unto death, until, by the advice of friends, he sought pardon of God and the holy martyr. At Canterbury, by signs, for he had lost the power of speech, he craved a draught of water from the well of St. Thomas. Scarcely had he tasted it, than his speech returned to him and his health was restored; and in a loud voice he magnified the Saint he had once perse-So also the Bishop of Salisbury, fearing the judgment of God both here and hereafter, made repentant pilgrimage to Canterbury, and kept vigil before the martyr's shrine. Roger went on longer in his wicked-At the Council of Westminster, May, 1175, his clerks claimed for him the right to have his cross carried before him in the southern province; asserted the supremacy of York over Lincoln, Chester, Worcester, and Hereford; and summoned Archbishop Richard of Canterbury to Rome for suspending the officials of St. Oswald's Church in Gloucester. In October of the same year, a truce was concluded at Winchester, to bind the archbishops till the following Michaelmas, but by January, 1176, they were again in dispute over the right to the primacy of Scotland. Matters came to a crisis in the following March. At the Council of London, Roger attempted to thrust himself into the place of honour on the right hand of the papal legate Hugutio, with the result that he seated himself in the lap of Richard of Canterbury. Then fell upon him the assembled monks and clergy, with Galfrid, Bishop of Ely, at their head, and, casting him to the ground, belaboured him with fists and sticks. Rescued by Richard, he fled dishevelled from the council-chamber, amid cries 'Depart from us, thou that betraved'st St. Thomas. Thy hands still reek with his blood' (Gervase; Benedict: Hoveden: and William of Newburgh). In the same year, Garnier de Pont St. Maxence began to recite in Canterbury Cathedral his recently-completed 'Life of St. Thomas,' wherein the Archbishop of York was directly charged with aiding and abetting the murderers; a proceeding which would seem almost impossible if Roger's guilt had not been generally admitted at the time.

> Guarnier, li clerc del Punt, fine ci sun sermun Del martyr St. Thomas et de sa passiun, Et meinte feiz le list a la tumbe al barun; Ci n'a mis un sol mot, se la veritè non. De ses mesfez li face Jhesu li pius pardon.

The Thomas Saga tells the tale of the culprit's tardy repentance; 'Among the many miracles wrought by the martyr Thomas, it is recorded that Archbishop Roger of York grew blind of both eyes, in consequence of which affliction he made vows to the holy Thomas for the healing of his hurt. Then proceeded he to Canterbury, and humbly kneeling at the shrine, offered up prayer for pardon. And forthwith he was heard; and

on him was bestowed the great boon that the sight of his eyes was restored to him. Henceforth, he turned towards the martyr with love instead of persecution, with worship in place of manifold enmity.'

CHAPTER V.

ARCHIEPISCOPAL AMENITIES.

'Hic pracesse, ille non subesse, et neuter prodesse contendit.'

With the close of the great struggle between Church and Crown, the story of the rivalry between York and Canterbury, which had hitherto formed a chapter of its history, loses value in the eyes of the chronicler. While the theory of the supremacy of ecclesiastical over secular power was gradually growing into acceptance: while old men saw visions, and young men dreamed dreams, of a Church triumphant throughout the world, of a Supreme Pontiff, the infallible and irresponsible arbiter of right and wrong, a ruler of princes, governing Christendom by clerical subordinates; the position of every officer in the hierarchy seemed of vital interest. rels. 'which should be first' in the future spiritual kingdom, were worthy subjects for the pen of the ready writer; and cloistered chroniclers, jealous for the honour of province or see, gathered up every fragment of its history, and found or forged evidence of its freedom or supremacy. To the War of Independence with Canterbury, the records of York owe their existence; and many northern historians expressly state that they were induced to write, simply by the wish to bear witness to the rescue of their Church from an illegal yoke, 'that the generations to come might know it, and the children who were yet unborn.' Southern writers, though usually of wider views, religiously set out every occurrence which could possibly tend to the honour and glory of the Church of Canterbury, and religiously suppress or underrate any event furthering the cause of her rival. Moreover, from the days of Bede to the end of Stephen's reign, chroniclers, with very few exceptions, were either monks or clergy; Anglo-Saxons, recording chiefly legends, miracles, and lives of saints; Normans, identified with the supremacy of the Church, entering heart and soul into theological discussions, the relations of kingand clergy, of kings and popes, of popes and anti-popes. With the advent of the Angevins, a new school of historians arose. Many lived in closer connection with the court than the monastery; the court of Elinor of Acquitaine, with its minstrels, soldiers of fortune, and adventurers, with its fruitful crop of scandals; the court of Henry II, who, by his marriage and those of his children, brought England into close connection with all the great powers of the Continent. Many of themheld high official positions in which they were drawn into contact with the leading men of action of the day, and where they were able to secure valuable and accurate information as to affairs at home and abroad. Literature ran in fresh channels of romance and satire.

and was directed into new fields of law, government, and finance.

And while such subjects were distracting the attention of writers from what had been lately their one absorbing theme, the branch of the Catholic Church in England was being gradually drawn into the secular quarrels of the time. Deserted by the papacy, which in the search for wealth and political power had become the ally of princes, it could no longer afford to hold aloof, a privileged class, the interests of which were centred all in self; but was compelled to throw in its lot with the people in defence of their common liberties against pope and king. In the days of Stephen Langton, Edmund Rich, and Robert Winchelsey, primates were become politicians, and archbishops popular leaders, while ecclesiastical affairs seemed worthy of record only so far as they affected the political situation. Not that disputes as to clerical precedence and the like, were less rife than before, among all ranks and orders of the Church. 'In my time,' says William of Newburgh, writing at the close of the twelfth century, 'the apostolic rule "in honour preferring one another" is so utterly set at nought, that bishops have laid aside all pastoral cares, and contend one with another for precedence with a folly equal to their persistence. Almost every question which arises among them turns on place and prerogative' (Chron. of Stephen, Henry II, and Rich-Self-respecting prelates and heads of ard I, 203). wealthy religious houses supported resident advocates at the papal court, and watchful agents, whose duty it

was, when apostolic letters were granted, to take care to get assurances of warranty and indemnity, if there were the remotest chance that the interests of their clients might be effected. Appeals as to disputed elections to sees, the authority of bishops and abbots in cathedral and conventual churches, and the construction of statutes of precedence and customs of rank and the like, helped to establish an abuse by which eventually all ordinary jurisdiction at home was paralysed. But the dangerous results of such quarrels, the waxing power of Rome, the waning independence of the islandchurch, escaped the notice of chroniclers; and the struggle for the primacy now appeared to them but 'a vain and frivolous matter,' remarkable only for the vast expense and wasted labour in which it involved the disputants.

Though York had found liberty, equality and fraternity with her powerful rival were still far to seek. Her archbishops might be indeed great personages in the north. In recognition of their services as military guardians of a province which was for long the battle-ground of England and Scotland, they might be privileged to exercise extraordinary civil and criminal jurisdiction in their seignorial courts, to have mints for coining money within the city of York without the royal license, to take prizage of wines and merchandise upon the river of Hull, and broken wreck of the sea and waif at Patrington, and to hold their land free from suit in Otley, Shireburn, and Cawood. They might exercise jura regalia in Hexhamshire; and, in

appointing officers for the trial and correction of all manner of felonies and trespasses within their franchises of Beverley and Ripon, they might claim 'to be as free, as heart may think or eye may see' (Rotuli parliament. Petitiones et Placita, 3 Henry V, 48). But with Canterbury lay usually the favour of king and court; and the more submissive tone of the letters which passed from York to Rome, and the nearer approach of the York service-book to the Roman standard, shew that the northern Church was compelled to to look further afield for support.

The landmarks of the southern province stood unmoved; the suffragans thereof were a comparatively docile body. If Wales was occasionally restless under the rough attempts made to anglicize her, if St. David's put forth frequent claims to metropolitical honours, such fitful and fruitless insubordination was as nothing compared with the disorder which often paralysed the northern province. Primates of York saw, with dismay, the gradual contraction of a jurisdiction which had once stretched from Humber to the Firths of Forth and Clyde. In the year 1154, by decree of Anastasius IV, the allegiance of the Bishops of Man and Orkney was transferred to the newly constituted Archbishop of Drontheim, a change which resulted in the loss of more than one prelate-elect in the wild Norwegian seas (Register of Archbp. Gray (Surtees Society), pp. 198-199). Although the right of northern metropolitans to exercise spiritual jurisdiction over Scotland had been recognized at the Councils of Winchester and Windsor (1072), and

had been confirmed since by Paschal and Calixtus, Innocent II and Hadrian IV; although many precedents were to be found in the eleventh and twelfth centuries of professions of obedience being rendered by Scotch bishops at consecration; the primacy of York had never been effectually established in the kingdom, and, from the days of Thurstan, spiritual control from without had been actively resented. The question had been further complicated by the claim of Canterbury to exercise patriarchal jurisdiction over the whole of Britain, so that, in the year 1176, each primate had claimed for himself powers which Scotland denied to both alike. At length in the year 1191, this longstanding dispute was closed by a Bull of Celestine III, under which the Scottish Church was declared to be immediately dependent on the papal see. A little later, Anglo-Scotch wars effectually checked any attempts of archbishops of York to crown or consecrate north of the Tweed (Calend. Rot. Patent, p. 16), until their claim was finally extinguished by the elevation of the See of St. Andrews to metropolitical rank (1472). Raids from the north accounted also for the disappearance of the Cumbrian Bishopric of Witherne about the middle of the fourteenth century. and for the fact that the allegiance of Carlisle to York was frequently rendered by bishops who were fugitives from their see.

It was, however, in dealing with her suffragans of Durham, that the metropolitical see found sorest difficulty. These powerful earl-prelates occupied within their county a position little less than kingly. As para-

mount seigneurs of all lands within the palatinate, they waxed rich in the exercise of rights of escheat and forfeiture, of wardship, and the possession of mines, forests, chaces, and wastes. Prescriptive privilege permitted them to hold their own courts of Chancery, Exchequer, and Admiralty, and to appoint officers thereto; to hold pleas of the Crown and all other pleas; to pardon treasons and felonies. Theirs was the supreme jurisdiction as well military as civil, the power of array of ships and of soldiers. Possessed of practically unlimited temporal powers, they frequently disowned any spiritual superior but the Pope; and in their behaviour towards metropolitans of York, they often acted up to the device engraved on the seals which they used as counts palatine, that of a mounted knight in full panoply, who, bearing the arms of the bishopric in one hand, yet brandished a naked sword in the other. Thus, Bishop Hugh de Puiset refused to recognize the election and consecration of Geoffrey of York (1189), and, declaring himself custos of the northern Church, withheld, in face of anathema, due oath of obedience. When, again, Archbishop Romanus attempted to hold a visitation at Durham in 1283, he was refused admittance to the Cathedral; and, in the Church of St. Nicholas, was threatened by a body of young men in so violent a manner, that he fled from the pulpit and escaped from the city by a private road. So too, ten years later. clerks bearing letters of citation and canonical mandates from York were imprisoned with the approval of Bishop Anthony Bek. 'As a snake stoppeth her ears to the

voice of the charmer, so the suffragan listened not to lawful expostulations of his metropolitan, and refused to set them at liberty.' 'Obedience hath no reward, if insubordination of such sort go scot free,' argued Romanus; and, after due warning, he pronounced anathema on Anthony. But, unfortunately, the Archbishop forgot that Bek was a baron as well as a bishop, and paid heavily for his haste; for he was compelled to withdraw the curse, and to pay a heavy fine into the Exchequer for excommunicating a royal vassal (Placita Parliamentaria, Ryley, p. 136). And they also tell the following ingenuous tale of the 'hallowing' of Louis de Beaumont to the see of Durham (1318). 'The bishopelect, though chaste, was unlearned. Indeed, so slight was his acquaintance with Latin, that he found difficulty even in pronouncing it, and was fain to study the language under a private tutor for many days before his consecration. Even then he read his profession of obedience with much hesitation; and when he reached the word "metropolitical," simply gasped, and passed on, with the exclamation in French, "Let it be taken as said" (diu anhelans, dixit in Gallico "Seyt pur dite"). And those who stood by, were amazed, and deplored the promotion of such a man to a bishopric' (Robert de Graystanes, Histor. Dunelm, Surtees Society). The subsequent behaviour of Louis, however, points to the probability that there was a certain amount of method in thus evading an express promise of submission to York. A few years later he was reproached by Edward II for not defending his bishopric against the

Scots any better than if he were 'a mutterer of prayers like his predecessor'; and, anxious to redeem his good name, he set himself to resist with force the next metropolitical visitation of Allertonshire, and raised a band of desperadoes from Tynedale for that purpose, who were ready at a word to take Archbishop Melton's life. This attempt of a suffragan church to distinguish itself from the rest of the province, survived in one of its milder forms of manifestation to a recent date. On the calling of the Bishop and clergy of Durham to the Convocation of York, the Proctor of the Dean and Chapter was wont to appear with a protestation 'of adhering to, and abiding by, the privileges, immunities, exemptions, and liberties, granted to the Church of Durham'; and to 'insist that the same should be inserted and enacted in all and singular sessions and acts made in that Convocation.' This protest. already of old standing as early as the year 1380, was regularly presented, until by the direction of the late Dean of Durham and his Chapter it was discontinued; as regularly was it rejected by the President unread, as 'frivolous and trifling and irrelevant,' in a manner indicative of the wounded dignity of the metropolitan. Its origin is doubtful; but it was probably the assertion either of the privilege, enjoyed of old time in the county Palatine, of holding a separate assembly for the king's service, and of voting subsidies apart (Wilkins, Concilia, iii. 150; Trevor, Convocations of Two Provinces, 202), or of the right, since recognised by the courts (Ventris Rep., i. 234), of the Dean and Chapter of Durham, and not the Archbishop of York, to be custodians of the spiritualities of the bishopric, sede vacante (*Histor. of York* (Rolls Series), iii. 212-237).

Such were the more serious of the troubles which distracted the northern province. Archbishops of York found themselves in charge of a house divided against itself, between the members of which the only bond of union was too often a defensive alliance against attacks on their temporal possessions from the north, against encroachments on their spiritual dignities from the south.

In the dispute with Canterbury, however, many points were now in course of settlement. It was probably on the succession of Walter Gray to the see of York (1216), that the two archbishops agreed to adopt their present styles, 'totius Angliae primas,' and 'Angliae primas' respectively (Royal Letters, Henry III, i. 26). that date, metropolitans of Canterbury had enjoyed such various titles as 'Dei gratia Cantuarienses Archiepiscopi, Angliae primates'; 'Anglorum primates' (Litter. Cantuar. iii. 355; Madox, Formulare Anglican. 41-46); 'Britanniae primates'; 'Totius Angliae primates et patriarchae' (Will. Malmesbury, Gest. Pont., i.). Gervase of Canterbury (ii. 448) in the Mappa Mundi, styles his archbishop 'primas totius Angliae et Walliae,' and places the Archbishop of York among his suffragans. northern archbishops, from Thurstan onwards, had likewise laid claim to primatial rank. In a letter to the justiciar Fitz Peter, Geoffrey of York styles himself 'Dei gratia archiepiscopus Eboracensis et Angliae

primas' (Formulare Anglican. 3), and in 1199 a protest, lodged against the sole ministry of the Archbishop of Canterbury at the coronation, was made in Geoffrey's name as 'primate of all England' (Hoveden, iv. 90). William of Newburgh, indeed, declares that at the close of the twelfth century both archbishops claimed the latter title, although neither possessed the powers implied therein (Chron. of Stephen; Henry II; and Richard, vol. ii. 444). Those pretensions to a primacy over Britain and Ireland, for which Canterbury had once contended, had indeed long been ineffectual. attempt to enforce the provisions of Lanfranc's Charter was vainly made by Archbishop Baldwin against Geoffrey, Elect of York, in 1189 (Matt. Paris, Hist. Angl., ii. 10); and, some nine years later, the privilege of exacting obedience from northern primates was numbered by the convent of Canterbury among those, which, though originally established by an unchangeable decree, had in course of time been set at nought and irrevocably lost (Mem. of Rich. I, Epp. Cantuar. (Rolls Series), ii. 533). Scotland had been placed under the ecclesiastical jurisdiction of the Pope; while the claim of the successors of Augustine to supremacy over Ireland had rested on a few isolated professions of obedience made by Irish bishops during the latter half of the eleventh century. and was now a thing of the past. At a national council held at Kells in the year 1152, palls had been bestowed on the Bishops of Armagh, Dublin, Cashel, and Tuam, and the two first-mentioned prelates, in their disputes for precedence, already bid fair to surpass their brothers

on this side of St. George's Channel. Under such circumstances, Canterbury was content to accept a less ambitious style; and York no doubt willingly agreed to a settlement, wherein a distinction in name is more apparent than any difference in degree. Henceforth, in royal letters and charters, in writs for military service and summons to national assemblies, the rival

The first breach between the archbishops was occasioned by conflicting bulls obtained by them from Rome. John Comyn (1182) and Henry (1221), Archbishops of Dublin, obtained papal privileges forbidding other archbishops to celebrate councils or display metropolitical crosses within their province. The Archbishops of Armagh bore themselves out in answer by producing grants of the primacy over all Ireland made to them by Celestine III and Innocent III. In 1250, after much controversy between Reynard of Armagh and Luke of Dublin, Urban IV confirmed the rights of Armagh, and the papal privilege was proclaimed at a provincial council of Drogheda (1262). In 1311, however, the strife was renewed, when Dublin forbade Armagh to lift up his cross within the province of Leinster. Two years later, the latter prelate landed secretly in the island of Howth, and by dint of rising in the dead of night succeeded in carrying his cross to the Priory of Grace Dieu. Here, however, he was set upon by certain of his rival's household, who compelled him to lay aside his cross, and retreat in confusion. After many similar encounters the quarrel reached a climax in the days of Richard FitzRalph of Armagh and Alexander Bickmore of Dublin. The former obtained letters from the English King authorising him to parade his cross throughout Ireland (1349), and 'with the aid of S. Patrick coming to Dublin he abode there three days, publicly announcing the privileges of his primacy and fulminating anathema on all who should disobey them. Finding that the justiciary of Ireland and the Prior of Kilmainham were hindering the business of his Church, he excommunicated them; and the Prior dying soon after, remained unburied, until the Archbishop was assured of his repentance and absolved him.' The question was not finally settled in favour of Armagh till the year 1634 (Usher's Works (C. R. Elvington), vol. i. append. vi.). It may be convenient to record here the fact that Scotland was not without

prelates are addressed respectively as 'Primate of all England,' and 'Primate of England' (Close Rolls, i. 418.; ii. 13. Calend. Rot. Patent., 16). The arrangement had been acquiesced in by York as early as the year 1225. In an Indulgence granted by Walter Gray on Jan. 21 of that year, to all who should visit the Church of Ripon and the tomb of St. Wilfrid, the Archbishop styles

troubles of the same sort. Although the sees of St. Andrew's and Glasgow were raised to metropolitical rank at a comparatively late date—St. Andrew's in 1471, Glasgow in 1492—the archbishops of Scotland displayed towards one another an active jealousy worthy of an earlier age. The peace of the whole country was disturbed, and the thrifty Scot saw with dismay that a vast amount of money was leaving the country and going to support litigation at Rome. In 1493 the two prelates were bidden to leave their disputes to the decision of the King and estates, with a threat that, in case of their disobedience. His Highness would forbid payment to them of 'farms, rents and males for the sustentation of the said pleas and bearing money out of the realm' (Act Parl., ii. 232). Knox (History, i. 145-7) describes a dispute which arose when Cardinal Beaton, Archbishop of St. Andrew's, had occasion to visit Glasgow (1545). 'The Cardinal was knowin proud,' and Dunbar, Archbishop of Glasgow and Chancellor, 'was knowin a glorious foole . . . Cuming furth at the qweir door of Glasgow kirk, beginnes stryving for state betuix the two croce-beraris. so that from glowming thei cum to schouldering, from schouldering thei go to buffetis, and from dry blawes by neffis and neffelling; and then they assayis quhilk of the croces war fynest metal, which staff was strongast and which berar could best defend his maisteris preeminence; and that there should be no superioritie in that behalf, to the ground gois boyth the croces. And then begane no litell fray but yitt a meary game; for rockettis war rent, typettis war torne, crounis were knapped, and syd gounis mycht have been sein wantonly wag from the ane wall to the other.' Knox represents the conflicting prelates as becoming reconciled eventually through their common zeal in the martyrdom of Wishart, 'the blood of the innocent servant of God burying in oblivion all that braggine and boast' (Burton's Hist. of Scotland, iii. 201).

himself, 'Dei gratia Eboracensis Archiepiscopus, Angliae Primas.' In 1226, the Dean and Chapter of York, in requesting Stephen Langton to advertise the festival of St. William throughout his diocese, addressed the Archbishop as 'Dei gratia Cantuariensis Archiepiscopustotius Angliae primas' (*Histor. of York*, (Rolls Series), iii. 124-133).

With the close of the twelth century, the claims of York to share in the coronation were abandoned, the last assertion of this alleged privilege of the see being vainly made when John accepted the crown from the hands of Hubert Walter (1199; Hoveden, iv. 90). several later occasions, however, special precautions were taken to protect the rights of Canterbury. grave states that, at the coronation of Henry III (1216), 'Westminster being besieged by enemies with Louis of France at their head, the barons, not waiting for Stephen Langton, caused the young King to be crowned in the presence of Gualo, the papal legate, by the Bishop of Winchester at Gloucester. But lest the rights of the see of Canterbury should be prejudiced, the bishop did not lay hands on the King, and instead of the royal diadem, placed a kind of chaplet on his head. Although it was proclaimed by royal edict, that in token to the whole realm of the coronation, no lay person, either male or female, should go out of the house for a month unless they wore a wreath upon their heads,' the whole ceremony was repeated with due solemnities by Stephen Langton, in the year 1220. On this second occasion. the Archbishop of York was shut out from the service because of the cross-bearing dispute then raging between the archbishops; and the same cause prevented his attendance at several subsequent coronations. At the death of Edward I, Robert Winchelsey of Canterbury was absent from England, and suspended from his office. The Pope proposed to send a cardinal to crown Edward II, and when this offer was refused, granted a commission authorising the Archbishop of York and the Bishops of Durham and London to officiate. threatened invasion of his privileges, Winchelsey made such strenuous efforts to regain the Pope's favour, that he was restored to his office, and the rights of Canterbury were ratified and augmented. It was recognised that the consecration of English kings belonged to the southern metropolitan and to no other. The previous commission granted for the coronation was revoked; and the Archbishop, who from ill health was unable to attend the ceremony in person, nominated three bishops to officiate in his place, of whom Woodcock of Winchester actually placed the crown on the King's head (Chron. of Edw. I and II (Rolls Series), i. 259). in the reign, the Archbishop and prelates of Canterbury entreat the King 'pur l'onour de Dieu et de l'Eglise de Canterbur. et pur l'amour de glorious Martir Seint Thomas, sauver l'estate et l'onour de meisme l'Eglise, issint d'ele ne soit mye abesse en son temps: et nomement de ceo qe touche le portement de la Croitz l'Ercevesque d'Everwyk. . . . Et pur ceola par autorite de cele Eglise si prient nostre seigneur le Roy l'onour de son coronement ne nul ne il purra faire, fors que soulement l'Ercevesque de meisme le lieu'; and secured the royal response, 'Le Roy ad commaunde fa volunte' (Palgrave, Rot. Parl., i. 418). At almost all coronations since then, the Archbishop of Canterbury has officiated. Mary, the eldest daughter of Henry VIII, was crowned by Stephen Gardiner of Winchester, both the Archbishops and the Bishop of London being then prisoners Elizabeth received the crown from in the Tower. Oglethorpe, Bishop of Carlisle; but the see of Canterbury lay vacant at the time, the Archbishop of York demurred to the English Liturgy, and the Bishop of London was in prison. Compton, Bishop of London, in the absence of Archbishop Sancroft, officiated at the coronation of William and Mary; but before that event took place, the 'Act to establish the coronation oath' (1 Will. & Mary, c. 6) had made provision that such ceremonies might be performed in the future by the Archbishop of Canterbury, or the Archbishop of York, or by any other bishop of the realm whom the king's majesty might appoint.

The books, such as Stanley's Westminster Abbey, Phillimore's Ecclesiastical Law, Godolphin's Repertorium Canonicum, and others, attribute to archbishops of York, as queen's chaplains, the right of crowning queens-consort; but this privilege, which is said to date back to the 'hallowing to queen' of the Lady Matilda by Aldred, Archbishop of York (1067), if it ever existed at all, appears to have never been enforced. Of ancient coronations, that of Joan of Navarre (1399) is the only one in which an archbishop of York took part; and then

he was allowed to assist his brother primate in the coronation of the King as well as of the Queen, in order to add to the ceremony an additional sanctity which was to compensate for the defective title of Henry IV. In modern times the consorts of George III and William IV have been crowned by archbishops of Canterbury, although, strangely enough, tradition still current in York asserts that Archbishop Harcourt, the northern primate of the day, placed the crown on the head of Queen Adelaide (Annual Register, Sept. 22, 1761, and Sept., 1831; Times of latter date).

Another very favourite opportunity for primatial disputes was lost when Edward I discontinued the commemoration of the coronation at the three great festivals of the year (Stanley, Westminster Abbey, 58).

Thus a quarrel, which had once been subject for discussion to national assemblies, was fast narrowing down to a question of the precedence and insignia of one archbishop while sojourning in the province of the other; and energies, which had once been distributed over many fields of rivalry, were now to be massed on the one point of 'cross-bearing.'

That the assertion of this right was regarded, at York at least, as a matter of life and death, is seen from the conduct of Geoffrey, natural son of Henry II, who was appointed to the metropolitical see in 1189.

From the first, the path of the new Archbishop was set about with cares on every side, for he found the most important posts in the province filled by hostile courtiers, the nominees of his predecessor or of King Richard, intolerant of archiepiscopal control. A spirited quarrel with the canons of his cathedral followed his first appearance at York, because he refused to instal certain newly-appointed dignitaries. On the eve of the Epiphany, 1190, the dean and treasurer retaliated by beginning vespers before his arrival at the Minster; and when he interrupted them and began the service over again, they promptly ordered the lights to be put out, and left their Elect to continue his chaunting in the dark. An attempt at reconciliation ended in a riot; the dean fled for refuge to his house, the treasurer to the tomb of St. William; while the Archbishop pronounced anathema on both, and closed the church. Nor was this the end of Geoffrey's troubles. A year and a half later, after receiving consecration at Tours, he prepared to return to his see. It was a time when the highest ranks in the Church throughout the world seemed infected with the warlike spirit of the Crusades. In a few years' time, King Richard, in reply to the Pope, who demanded the release of one of the martial prelates of the day, styling him 'his beloved son,' would be despatching to Rome a coat of mail which had been worn by the prisoner, with the query 'know now whether this be thy son's coat or no' (Genesis, xxxvii. 32). Before the period closed, another member of the Church Militant, at the Battle of Bouvines, would be plying a mace on the heads of the English, in order not to break the letter of the law which forbade the use of the sword by ecclesiastics. At the moment, in the absence of the King and the Archbishop of Canterbury at the Crusades. England had become the battle-ground of bishops; and William Longchamp of Ely, Chancellor and Justiciar for the south of England, fresh from the capture of Hugh de Puiset, Bishop of Durham, Justiciar for the district north of Humber, now issued a warrant for the arrest of Geoffrey as soon as he should touch English soil. The Archbishop of York, however, landed at Dover in disguise; was pursued by order of Richenda, the Chancellor's sister, lady custodian of Dover Castle; and, after a five days' blockade in the Priory of St. Martin, was dragged from the altar and haled in triumph to prison. No sooner was he free again, than he quarrelled with Hugh of Durham over the profession of obedience, and excommunicated the chief of his suffragans.

But though his archiepiscopal career opened with such painful experiences, and was henceforth to be chequered with the persecutions of his half-brothers, Richard and John, with embarrassments created by a mutinous chapter at York and a rebel bishop at Durham, Geoffrey did not hesitate to plunge into conflict with Canterbury. Disregarding the canonical rule 'that an archbishop going out of his province, became subject to the metropolitan of the province where he had his abode or commorancy; and that there could not be two metropolitans in one province any more than two suns in one firmament,' in the year 1192 he proceeded with cross erect from the New Temple, where he lodged, to Westminster. The see of Canterbury lay vacant at the time, but the suffragans of the south declared that they

would have broken in pieces the obnoxious symbol of metropolitical power, had they not recollected that Geoffrey was the son and brother of kings, and but newly appointed to his office. Richard of London pronounced him excommunicate, and suspended the New Temple from services and ringing of bells. daunted, and disregarding the Scriptures, where it is written 'Nemo mittere falcem debet in alienam messem,' the northern primate repeated the insult in the course of the following year, and was rebuked by the Bishop of Rochester; while the suffragans of the province of Canterbury refused to salute him as he entered the council, and summoned him to answer for the insult offered to their Archbishop-elect before the Apostolic 'Some of the more discreet of the judgment seat. citizens, moreover, recommended him to conceal his cross as he went through their streets, lest angry men should run upon him, and break it in the midst.' 'He was young,' adds the charitable Gervase, 'illiterate, and spoke with a lisp and a stammer. In all his actions he was influenced by pride and impiety.' Heavy retribution was in store for him. When once his ancient foe, Hubert Walter, formerly Dean of York, had been enthroned Archbishop of Canterbury, Geoffrey, in his journeys through the southern province, no longer ventured to parade his cross on the highway, but was wont on such occasions to march 'cruce praevia' through thickets and along by-roads. King Richard, who apparently took little interest in points of ecclesiastical etiquette, suggested that he should not provoke disturbance by bringing his cross with him to the coronation at Winchester in 1194; and the wounded prelate preferred to stay away from the ceremony rather than to appear there at such disadvantage. When the King departed over sea soon after, Hubert took full revenge on his rival. As justiciar, he nominated the committee of justices, which heard the charges of extortion brought by the Canons of York against their Archbishop, and when Geoffrey refused to appear before the Court, ordered the confiscation of his estates; while a year later he showed his contempt for his brother metropolitan by visiting York in person as justiciar and papal legate, and presiding in triumph over the assembled clergy of the northern province.

Entries in the chronicles of the time show that the quarrel was kept alive through the succeeding century. Walter Gray was shut out from the second coronation of Henry III, performed by Stephen Langton at Winchester (Annales Monast. Dunstable). 'Almost all the bishops of England were present when Edward I received the crown from Robert Kilwarby. Walter Giffard of York alone did not appear, for owing to the frivolous dispute about the cross, which was still being waged with vain trouble and vast expenditure, he was unable to come '(Wykes). 'Socialis et dapsilis,' the Archbishop, by the expense of his lavish entertainments, and of his stately progresses through the north with servants, hawks, hounds, and furniture to equip in turn his various castles and manors, together with the costs of appeals to Rome, was eventually 'involved in a whirl-

pool of usury.' Time failed to moderate the passions of the combatants. In a letter written to Rome in the year 1280, rings out the exceeding bitter cry of William Wickwane, the newly-consecrated Archbishop of York: 'Holy Father, considering the letters you had sent under seal to the Archbishop of Canterbury, I fully expected to find peace in carrying my cross through England, when I returned from foreign parts. Instead thereof, there was in store for me treatment more harsh and severe than ever. After I had raised aloft in mid-channel the emblem of my primacy and carried it quietly through the diocese of Canterbury, Master Adam de Hales, the Archbishop's official, with the aid of Satan and his satellites, fell madly on my retinue, and brake my cross in pieces; but, thanks to God, I procured another and caused it to be carried before me. The same official, however, not content with this outrage, was ready with a band of armed men to attack me, as I entered London, with clubs, axes, swords and all kinds of weapons; but by the aid of friends, who bare me company, I escaped injury, and came to the King. Moreover, whenever I journey through his province on the business of my Church; the Archbishop, by his officers and servants, forbids to give me or mine food, drink or necessaries for the way, as though we were heretics and cut off under sentence of excommunication; and he also places under interdict the whole country through which I pass. I therefore pray on bended knee, with deep groans, that it may please your compassion with the file of correction to smooth the rough temper of Canterbury, and to protect me in the

possession of that right of cross-bearing which was enjoyed by my predecessors' (Wilkins, Concilia). Four years later, when Wickwane was again expected to pass through the southern province on his return to York, Archbishop John Peckham prepared for his reception by directing the archdeacons of Canterbury, Winchester, Rochester and Chichester to place under interdict such places as he should pass through with cross erect. No one should bend for his blessing. Rectors, vicars and chaplains were warned against celebrating mass, performing ecclesiastical offices, or permitting bells to be rung in his The doors of churches should be shut in his presence. face. Between the years 1280 and 1306, on ten different occasions were similar commands issued to the various archdeacons and ecclesiastical officials in the southern province (Register of Peckham and Northern Letters (Rolls Series)).

This mediaeval 'boycott,' these childish reprisals, were not without a serious side; and added one more to the many causes which now prevented united action on the part of the Church in her courts and convocations. As the disputes of York and Canterbury had assisted the establishment of the appellate jurisdiction of the Curia, so did they also justify that of the ordinary jurisdiction of the Pope in England. Nearly all the recorded appeals made to the see of Rome during the prevalence of the Norman system of government, as well as a very large proportion of the whole number of appeals recorded in mediaeval history, were extra-judicial; that is, appeals made by a person either oppressed by, or apprehending

oppression from, his immediate superior, to stay proceedings to his prejudice in the court from the threatened action of which he appealed, before the matter in question had begun to receive judicial treatment. In entertaining such applications as these, the papal court practically acted as a court of first instance. time of Bracton, the ordinary jurisdiction of Rome was well-known: 'Papa in spiritualibus super omnibus habet ordinariam jurisdictionem'; and suitors, avoiding a lengthy course of appeals, were in the habit of beginning their cases by 'impetrating' a papal writ appointing judges delegate to hear their causes in England. The jealous rivalries of archbishops further encouraged such encroachments. These disputes were not confined to England, France and Germany; but primates of Bourges wrangled with their brothers of Bordeaux, Armagh with Dublin, Compostella with Toledo. Apart from his obedience to the Pope, each boasted himself in all spiritual causes within his own province supreme, and exacted exclusive obedience from his subjects. 'Cum Eboracensis archiepiscopus, Angliae primas, praeter Romanum pontificem in spiritualibus superiorem non habeat, ac ipsa mater Eboracensis ecclesia honore primatiae illustretur' are the opening words of a proclamation, in which Archbishop Greenfield in 1306 strictly forbade appeals to be carried from his court to that of Canterbury. Process issuing from the courts of one province did not run into the other province; and scant courtesy was likely to be shown to those letters in which one ordinary, 'for the sake of law and justice, and under promise of the like favour when thereunto required,' requested another

to examine witnesses who chanced to be out of the jurisdiction of the former, but within that of the latter, or to serve citations upon parties resident in his diocese. when such ordinaries happened to belong to rival provinces. 'You wish,' writes Professor Maitland, 'to sue as co-defendants a man who lives at Lincoln and another who lives at York. What are you going to do? English prelate has power over both these men. In the judicial system Canterbury is a unit, and York is a unit, but England is no unit. But papal jurisdiction knows no bounds'; and the plaintiff must seek his remedy at Rome, 'patria omnium,' from the Pope, 'judex ordinarius singulorum,' the judge without peer or superior: and thus the papal Curia became 'an omnicompetent court not only of appeal, but also of first instance for the whole of western Christendom' (Canon Law in England).

'National church councils,' writes Bishop Stubbs (Constitutional History, ii. 216), 'became, after the independence of York had been vindicated by Thurstan, almost an impossibility. Occasionally when matters were to be discussed which touched the whole English Church, a common debate may have been held between the clergy of the two provinces (Royal Letters, Henry III, vol. ii. 94), but 'the extant evidence points rather to an arrangement by letter between the archbishops in such cases, than to any common deliberation of the Churches. Only when the authority of a legate a latere superseded for a moment the ordinary authority of both archbishops, were any national councils of the Church summoned.' Nor were such special occasions, though rare, allowed

to pass without some dispute as to order of session, recalling the days of Roger and Richard. In 1237 came Cardinal Otho from Rome, and as papal legate summoned a council to meet in St. Paul's Church about the feast of St. Martin; and against the day assigned came together the archbishops, bishops, abbots and clergy from both far and near throughout all England. 'And when the assembly was met and the Cardinal would have begun his sermon, there arose a great discord between the Archbishops of York and Canterbury for sitting on the right hand and on the left hand of the glorious legate, for the which one appealed against the other. Then the Cardinal, wishing to pacify the strife so that he would not derogate from either of them, brought forth a certain bull of the Pope, in the midst of which was pictured an image of the cross. "You see here," said he, "St. Peter on the left, St. Paul on the right hand of the cross; and yet no quarrel ever arose between the two, for both are in equal glory. And yet St. Peter, for the prerogative of the keys and the preeminence of his apostleship, seemeth the more worthy to be placed on the right side. But yet, because Paul believed on Christ when he saw him not, he takes the place of honour, for blessed are they which believe yet have seen not. In like manner the Archbishop of Canterbury, who presides over the elder Church and also that of St. Paul in London, shall have the seat on my right hand"' (Matt. Paris, iii.)1.

¹ The learned Cardinal here supplies a novel explanation of the relative positions on coins, medals, seals, etc., of the two apostles.

This ingenious decision effected little towards any settlement of the dispute, or the meeting of the two metropolitans in one general assembly of the Church; and although Gregory the Great, in his letter to Augus-

At the close of the seventeenth century there was set up in France the theory of an equal primacy of Peter and Paul over the Church they founded at Rome; a suggestion which eventually drew forth a bull from Innocent XII, pronouncing heretical any proposition which should assert complete equality between the two apostles, and deny the supremacy and universal jurisdiction of the former. During the controversy, various suggestions were made to account for the fact that St. Paul usually occupies the right side or place of honour in pictures, seals, etc. Petro de Marca, Archbishop of Paris, in his 'Exercitatio de singulari primatu Petri,' lays it down that the place of honour is to be judged from the point of view of the person inspecting the picture or coin; and that, such being the rule, Paul will be found in an inferior position, to the left of the spectator. On the same principle, bishops sit in that part of the choir which is to the right of people entering the church, but to the left of the altar; men sit on the right of the entrance, women on the left. Baluze, who edited the Archbishop's works, will have none of this fanciful explanation. He declares it to have been the custom of the ancients, both Pagan and Christian, to place those of authority and dignity on the left side of pictures, etc., whenever they wished to represent them in action or movement of any kind; and cites instances where figures of Emperors holding out their hands to suppliants or addressing soldiers, of Christ giving the keys to Peter and returning sight to the blind, are placed on the left of gems, stones, or monuments. This rule held good up till the eleventh century in the case of the representations of Peter and Paul. Peter occupied the right, except when he was represented in movement of any kind. In the eleventh century the matter came under discussion, and Peter Damian decided that St. Paul should, in future, be placed on the right in all cases, giving several mystical reasons for his judgment, and pointing out that Paul was of the tribe of Benjamin, 'quae vox filium dexterae significat.' This ruling was accepted and followed by Innocent III, S. Bonaventura, and other theologians. (Epistola ad Desiderium oppos, Peter Damian, iii. 365; Sermo de Evangelistis, Innocent III.)

tine, had directed future archbishops of England 'to dispose their doings with common counsel and mutual concord, and to accomplish the same without variance,' ecclesiastical affairs continued to be conducted by two provincial councils, meeting, the one in London, the other in York, each carefully avoiding the least semblance of subservience to the other. Did York accept canons which had already received the assent of Canterbury, it was with a distinct denial of authority in the concurrent assembly, and with express assertion of her own free will. In ecclesiastical causes the archbishops acknowledged no superior but the Pope. Woe betide clerk, proctor, or layman who endeavoured 'with wanton pretext' to appeal from the tribunals of his own province to those of her rival; excommunication or loss of preferment and official position effectively checking such offenders as they rushed 'with uncurbed malice to work their own irreparable ruin, and to betray the interests of their mother Church' (Wilkins, Concilia, ii. 285). Even by minute variations in the terms or the amount of money grants the charge of a slavish imitation was avoided; and, in the year 1280, it is recorded that when the northern convocation voted the King one-fifteenth for three years, Archbishop Peckham and his clergy gave one-tenth for two, 'in order that at any rate in some respect they might differ from the Yorkists' (Annal. Monast. Osney Chron.).

This division between the two provinces might have been partially remedied had the Church acquiesced in the scheme of Edward I for parliamentary representa-

tion of the clergy of the whole realm; but this chance of reconciliation was lost when the Church, successfully maintaining that the right to tax her property, if it existed at all, lay with provincial synods, secured isolation for herself and the eventual exclusion of the lower clergy from Parliament. As to the higher clergy in the Upper House, the cross-bearing dispute frequently interfered with their attendance. The journey of an archbishop and suffragans through the rival province, in obedience to the royal writ, was fraught with difficulty and danger, and took the nature of an incursion into an enemy's country. In the year 1299, Robert Winchelsey wrote a triumphant letter to his chapter at Canterbury detailing how, after attending the King at Caerlaverock, he returned with cross erect through the northern province, passing close to the city of York, and by God's grace had reached his own territory again without hindrance, safe and sound ('incolumes et robusti sine dampno') (Litterae Cantuar., i. 26). Probably as a tribute to this success, the prior of Canterbury drew up six paragraphs of arguments, still preserved in the muniment room of the cathedral, proving that his archbishop, as patriarch and primate, might parade his cross through all Britain, while the primate of York could exercise that privilege within the limits of his province alone (Hist. MSS. Commiss., v. 446). In 1309, Winchelsey scored a further triumph, for he refused to attend parliament at Westminster or to suffer his suffragans to appear there, if York were permitted to show his cross in London. A suggestion that the rivals should appear on alternate days was declined, and Edward eventually solved the difficulty by dismissing the northern Archbishop from further attendance (*Gervase of Cant.* (Rolls Series)).

Councils, held at York in 1314 and 1315 during the Scotch wars, gave the Yorkists an opportunity for revenge. Royal letters forbade Archbishop Greenfield to molest his rival as he made his way north. The Earls of Lancaster and Warrenne, and the Sheriff and corporation of York, were warned that certain persons had conspired to insult the prelates of the south, and were directed to give safe conduct to Walter Reynold and his suffragans on their way to the King (Litter. Cant., In such minute details was archiepiscopal jealousy displayed, that a grant of an oratory at Clifton by Greenfield to John, Earl of Surrey, to last during the continuance of the parliamentary sitting, was made conditional on the non-appearance there of the Archbishop of Canterbury with cross erect (Greenfield's Register). To a Parliament summoned to meet at York in 1322, there came no other of the clergy but the Archbishop of York, the Bishops of Lincoln and Carlisle, and the Abbots of York and Selby. In the absence of the southern prelates, the assembly declared it had neither experience nor courage sufficient to advise the King. Business was at a standstill; and Edward was requested to continue the sitting until fresh summons could be issued to the absentees, with special charge to attend, 'so that the affairs of the King and the Realm might not be longer delayed for the cross-bearing dispute between the Archbishops' (Rot. Parl., ii. 67). Small wonder that the prudent William de Edington declined to exchange his comfortable see for the more perilous primatial chair; 'Though the rack at Canterbury may be the higher, yet Winchester has the deeper manger,' said the philosophic prelate.

It was not until too late, when the gulf fixed between the two provinces had become too wide to be bridged over by any agreement, that Simon Islip of Canterbury, and John Thoresby of York, under the King's mediation, came to terms. By an agreement concluded in 1353, and confirmed by the Pope in 1355, wherein both Archbishops are styled papal legates, and Canterbury is designated 'primas totius Angliae,' York 'Angliae primas,' it was settled that for the future each metropolitan should enjoy the free right of cross-bearing in the province of the other. In return for this privilege, Archbishops of York, within two months of their first entry into the southern province after consecration, should send by the hand of some discreet messenger to Canterbury, a golden image of the value of forty pounds sterling, wrought in the likeness of an archbishop bearing his cross, or a jewel of like value; and the same should be publicly offered up at the shrine of the glorious martyr St. Thomas, after due notice given to the lord prior, subprior or precentor of the Church, if present, or to the monk custodian of the tomb. Order of session in parliamentary and ecclesiastical assemblies was next determined. In the 'Modus Tenendi Parliamentum,' composed about the beginning of the fourteenth century, the order is laid down as follows; 'The King shall sit

in the middle of the greater Bench; on his right hand the Archbishop of Canterbury, on his left the Archbishop of York; and behind them the bishops, abbots, and priors, in rows. At the King's right foot shall sit the Chancellor, the Chief Justice of England and his companions; at his left foot the Treasurer, the Chamberlain, the Barons of the Exchequer and the Justices of the Common Bench.' A later edition ran, 'On the King's right hand shall sit the Archbishop of Canterbury and the Bishops of London and Winchester; and behind them the other bishops, abbots, and priors; on his left the Archbishop of York and the Bishops of Durham and Carlisle: and behind them, in rows or in succession, the earls, barons and lords; such division being always In the present agreement this order was observed.' In parliaments and royal councils, when both archbishops were present, Canterbury, as president of the elder and more eminent Church, was placed on the King's right hand, York on his left. For the same reason, the seat of honour in ecclesiastical councils and convocations, and on other occasions when both primates were present, was awarded to Canterbury, that next in honour to York. Precedence in processions still remained to be settled. Gervase sets out the order observed at the coronation of Richard I at Winchester in 1194, which was founded on that laid down for the coronation procession of Stephen and his Queen: 'At the third hour let the King and his barons put on their apparel, and let the bishops put on albs and caps; and as they follow the Archbishop of Canterbury to the

King's chamber, let them take rank according to the order of their consecrations, except in the case of the Archbishop of York, and the Bishops of London, Winchester, and Rochester. The Archbishop of York shall walk on the right of the Archbishop of Canterbury, the Bishop of London on his left; or should York be absent, London shall take his place, and Winchester shall walk on the left. Behind the Archbishop of Canterbury shall be placed the Bishop of Rochester, his chaplain.' Now the rule was laid down that in processions, wherever the path was sufficiently broad, the cross-bearers of the two Archbishops should walk abreast, followed presumably by the two metropolitans themselves abreast; but in doorways and other narrow places, Canterbury should have the precedence (Wilkins, Concilia).

It is to be feared that this composition did not result from any previous improvement in the mutual relations of the Archbishops themselves. The confirming bull of Innocent VI does indeed state that it had been drawn up by the wish of Islip and Thoresby, in order to put an end to the endless disputes and suits which had arisen, and were likely to arise, between them; but as the agreement bears date April 22, 1353, and on April 1 of the same year it had been found necessary to order the sheriffs of London and Middlesex to protect the King's Chancellor, the Archbishop of York, in carrying his cross while engaged in the duties of his office, it is more probable that the settlement was prompted by pressure from Edward than by any reconciliation of Simon and John. In neither province were the suffragans, clergy

or chapters of the metropolitical cathedral made consenting parties. A Yorkist chronicler (Histor. of York, ii. 419) attributes the consent of Thoresby to his 'natural generosity and humility of mind'; but the Archbishop seems to have been in fact but a reluctant party to the arrangement, and the King appears to have won him over by bearing a portion of the expense of the oblation to Canterbury. In the Issue Rolls of the Exchequer, 161, appears the following entry: '28 Edward III, Oct. 9. To Richard de Grymesby, goldsmith in the Tower of London, in money paid to him for certain images made in honour of St. Thomas the Martyr, and delivered to the Rev. Father the Archbishop of York, of the King's gift for his oblation to Canterbury, &c., £7 8s. 5d.'

It was perhaps a result of this settlement, that the legatine commission, that bone of contention, was now divided between Canterbury and York. During the century which followed the appointment of William of Corbeuil (1125), the office of legate had not been conferred invariably on southern archbishops. In 1143 it had been bestowed on Henry of Winchester; and subsequently, after Archbishops Becket, Richard and Baldwin had held it in turn, the gift was again diverted from Canterbury to William Longchamp, Bishop of Ely. Not until the days of Stephen Langton did archbishops of Canterbury gain the privilege to be called 'legati nati,' and to receive the legatine commission as soon as their election to the see was recognised at Rome. Meanwhile their rivals of the north had been scheming to escape acknowledgment of the precedence which accompanied

a grant of legatine authority, either by securing a like honour for themselves, as did Roger of Pont l'Evêque and Walter Gray, or by soliciting the limitation of the jurisdiction granted to their southern enemies. the grant made to Becket in 1166 ran: 'Legationem tibi totius Angliae concedimus, excepto episcopatu Eboracensi'; that to his successor Richard was limited to the province of Canterbury. Geoffrey of York, too, obtained from Rome the promise that he and his province should be exempted from legatine jurisdiction; but the privilege was destined to be of little value. 'Nothing was ever so firmly established by a Pope, "qui uno, ut aiunt, spiritu sorbere et flare potest," but that he could utterly upset it by the use of that little clause "non obstante": and very soon after the issue of the exemption to Geoffrey, a grant of the legation over all England was made to Archbishop Hubert Walter, 'notwithstanding any immunity of the province of York conflicting therewith.' Now, however, from the time of Thoresby, who was created legate in 1352, down to the Reformation, archbishops of York received legatine commissions as well and as regularly as their brethren of Canterbury.

APPENDIX.

Composition made between the Archbishops of Canterbury and York regarding the bearing of their archiepiscopal crosses, April 20, 1353; confirmed by Innocent VI, Avignon, 1355 (Wilkins, Concilia: Litterae Cantuarienses (Rolls Series), iii. 217).

IN DEI NOMINE: AMEN. Anno a nativitate ejusdem MCCCLIII, mensis Aprilis die vicesimo, indictione sexta, sanctissimi in Christo patris Innocentii Papae sexti anno primo, in palatio regio apud Westmonasterium reverendi patres Dominus Simon Cantuariensis et Johannes Eboracensis Archiepiscopi quamdam compositionem super bajulationem crucium suarum inierunt, et ipsam in scriptis in forma sequenti redigi, et suis sigillis fecerunt unanimiter communiri.

Universis pateat praesentes litteras inspecturis, quod cum, propter impedimenta delationum crucium reverendorum patrum Dominorum Cantuariensis et Eboracensis Archiepiscoporum, cum in suis provinciis indifferenter per eorum utrumque libere faciendarum, varia possent in futurum scandala pervenire; mediante illustrissimo principe Domino Rege Angliae, et in ejus praesentia . . . inter reverendos in Christo patres Simonem Dei gratia Cantuariensem Archiepiscopum totius Angliae primatem et apostolicae sedie Legatum, ac Johannem eadem gratia Eboracensem Archiepiscopum Angliae Primatem et Apostolicae Sedis Legatum, amicabiliter sic convenit. In primis: quod idem . . . Dominus Simon . . . et successores ejusdem . . . crucem suam in civitate dioecesi et tota provincia Eboracensibus ante se deferri libere facient, ubicunque, quandocunque, et quotienscunque sibi placuerit, absque turbatione et impedimento Domini Iohannis et cuiuslibet successorum suorum seu alterius cuiuscunque ipsorum nomine vel mandato, clam vel palam, publice vel occulte. Item: Convenit inter eos quod idem Dominus Johannes et successores ejusdem crucem suam in civitate dioecesi et tota provincia Cantuariensibus ante se deferri libere faciant, quandocunque, et quotienscunque, etc. . . . Sed idem Dominus Johannes . . . infra duos menses post datum praesentium proxime sequentes, ac quivis ejus successor infra similes duos menses a tempore quo primo Cantuariensem provinciam post consecrationem suam de cetero ingressus fuerit, pro delatione crucis pacifica in civitate dioecesi et provincia Cantuarensibus . . . facienda. . . . unum nuntium solempnem, videlicet, officiarium suum, cancellarium, auditorem causarum, vel unum doctorem legum seu unum militem, ad ecclesiam cathedralem Cantuariensem cum una imagine aurea, valoris quadraginta librarum, sculpta ad similitudinem archiepiscopi crucem in manu sua deferentis, vel jocali altero notabili aureo ejusdem valoris . . . efficaciter mittere, et quilibet nuntius sic mittendus iter effectualiter arripere et gressus suos absque dolo et fraude versus dictam Cantuariensem ecclesiam continuare et infra dictos duos menses confirmare teneatur fideliter. Et cum huiusmodi nuntius ad ecclesiam ipsam Cantuariensem sic venerit, dictam imaginem vel jocale ad feretrum gloriosi Martyris Beati Thomae . . . praemunito ante ingressum cimiterii dictae ecclesiae Domino Priore vel Suppriore seu Precentore ipsius Ecclesiae, si praesentes fuerint, aut saltem monacho custode feretri ipsius effectualiter palam et publice offeret et devote . . . In parliamento, tractatibus et consiliis regiis quando Cantuariensis et Eboracensis Archiepiscopi simul praesentes fuerint, quicunque Cantuariensis Archiepiscopus, quia Ecclesia Cantuariensis antiquior et praeeminentior fore dinoscitur, ad Domini Regis dexteram assidebit; et praefatus Eboracensis Archiepiscopus existens pro tempore ad sinistram. Crux autem Cantuariensis Archiepiscopi ex parte dextera lecti regii . . . et crux Eboracensis ex sinistra parte, si Cantuariensis praesens fuerit, reponetur. In consiliis vero convocationibus seu locis aliis quibuscunque in quibus Cantuariensem et Eboracensem Archiepiscopos convenire contingat, Dominus Cantuariensis primum locum seu sedem eminentiorem. Eboracensis verum alium locum secundum eminentiorem, obtinere debebunt. Cruciferarii vero duorum Archiepiscoporum praedictorum cum in via lata et ampla, ubi cruces eorum simul potuerint deferri, convenerint, cruces ipsas deferentes, incedere simul debent, sed in introitu hostiorum, vel in aliis locis strictis quibus simul cruces deferri nequeunt, crux ejusdem Domini Cantuariensis Archiepiscopi praecedet et crux Eboracensis Archiepiscopi subsequetur. In quorum omnium testimonium et fidem nos Simon Cantuariensis et Johannes Eboracensis Archiepiscopi sigilla nostra fecimus hiis apponi. Date in palatio regio apud Westmonasterium vicesimo die mensis Aprilis Anno Domini MCCCLII.

CHAPTER VI.

HALCYON DAYS.

Nulla est quidem contumelia secundi, sed ex duobus gloria magna proelati.

Though the way now lay open to union, isolation still marked the relation of the two provinces to one another; and that too, when union was never more sorely needed.

In the fourteenth and fifteenth centuries, the claims and privileged position of the Church, and of the various ranks and orders within her, were no longer justified by the practice of those exalted principles, to which they had owed their creation, preservation, and centuries of recognition and observance. The theory of the papacy, which had been impressed upon Christendom mainly by the genius of Hildebrand, that of a supreme and infallible power, under whose righteous sway temporal should yield to spiritual authority, physical to moral force, had been rudely shaken when Popes, entering the arena of politics, vied with princes in extortion and oppression; and finally collapsed in the years of the captivity of Avignon, and the days of the great schism. Of the two great regiments of the Church, the secular clergy were

sunk in simony and concubinage, in self-indulgence and greed for emoluments. 'He came into his benefice by his brynrede, thes by covenant made bifore; he for his servyse, and thes for moneye, came into Goddis Chirche.' They were noticeable for their pride and the breathless race they ran for promotion; for the carnal concupiscence with which they gave themselves 'to feasts and banquetting, sports and plays, to hunting, hawking, and keeping of dogs; for the covetousness, whence came the heaping of benefice upon benefice and the suing for tithes, mortuaries, and offerings'; and finally for the 'secularitie and erthly occupations with which they did turmoyle themselves,' to the neglect of their spiritual Deterioration was equally marked in the ranks of the regulars. The monk had once gone forth into solitudes and great waste places, to seek perfection in a life of ascetic self-restraint and stated exercise of work and prayer. Education, literature, and art, had flourished under his fostering care; under his husbandry the desert had blossomed as the rose. But now the world, following him in his flight, showered upon him those very possessions he had once shunned; and while practice of true religion and virtue was postponed to the administration of vast estates, the comforts, business, and pursuits of wealthy land proprietors ousted that old-world austerity and devotion which had been characteristic of the cloister. Possessed in many instances of privileges and exemption from diocesan visitation and control, endowed with a great part of the tithe of the country, religious houses came to be regarded as rivals

by bishops, as robbers by the secular clergy. were in perpetual conflict with rising towns as to monopolies of holding markets, enclosing fields, grinding corn, preserving game, and other local business; and monastic registers, which had once been the records of national history, were become in these latter days but a beggarly tale of petty lawsuits. The friar who had once pointed the finger of scorn at the sloth and selfindulgence of the monk, had fallen himself into the same snares. Poverty and self-surrender, the exposure of ignorance and error were no longer the mark and aim of Franciscan and Dominican. Though they had once spoken like angels, these preachers of morality now lived like men; and members of the two great orders were become high officials in Church and State, wearers of soft raiment, dwellers in kings' palaces; while others less successful had degraded the name 'friar' into a synonym for runagate and beggar.

Throughout the country the Church lacked effective supervision. Many dioceses of the time, such as Exeter, York, and Lincoln, were of so vast an area as to defy episcopal management; many sees, which should have been centres of spiritual discipline and spiritual energy, were occupied by absentee foreigners, or by state officials engrossed in political business at home and abroad. Rights of patronage were abused, ordinaries bestowing cures on young folks they called their nephews or kinsfolk, and keeping the profits in their own hands, so that the poor silly souls of the laity, for lack of good curates, perished without doctrine.' In many cases,

ordination was carelessly conferred on irregular and illiterate candidates, without question of their educational or moral qualifications for office; and many an ignorant priest could be found 'holding ten or twelve benefices, and being resident on none, while well-learned scholars in the universities, which were able to teach and preach, held neither benefice nor exhibition.' Ecclesiastical courts were hot-beds of bribery and extortion, of delay and injustice, wherein unsalaried judges, scribes, apparitors, and other officials, lived upon fines and hush-money. For certificates and other processes, this hungry crowd demanded heavy money payment; and, 'coveting their own private lucres and the satisfaction and appetites of the prelates and ordinaries,' extorted exorbitant fees for grants of probate, and protracted causes for the sake of costs and charges. But it was probably by the abuses and tyranny which marred the exercise of her jurisdiction 'pro salute animae,' more than by all the rest of her shortcomings, that the Church eventually exhausted the good-will and longsufferance of the country; by the system of espionage maintained over the people in their most private relations, the army of clerical spies and informers, the unjustifiable citations, and the heavy punishments inflicted for small and trivial offences; by the secret examinations and committals of suspected persons, especially in cases of prosecution for heresy, and 'the subtle interrogatories concerning the high mysteries of the faith administered to the simple and unlearned for the purpose of trapping them.'

Such were some of the evils by which the face of the

Church was made ill-favoured, and her state destroyed. The age was one of shattered ideals. Pope, monk, and brother, in turn, 'had set up on earth ladders, the tops of which had appeared to them crowned with angels and reaching to heaven; but now none lifted his foot to climb them. In turn they had put forth rules for the conduct of life, but such were now become but a profit-less stain upon the parchment' (Colet, Sermon to the Convocation, 1511; The Supplication of the Commons against the Ordinaries, 1532).

To those with eyes to see, the growing conviction that the tenure of vast property by the Church checked the progress of civilization, just as the influence, which she exercised in court and convocation over the lives and souls of men, hindered rightful freedom of thought. had already been clearly manifested in statutes forbidding the alienation of land to ecclesiastical corporations, and limiting clerical legislation for laymen and the extention of spiritual jurisdiction; in political songs and poems; in the denunciation of Wyclif and his followers; in open suggestions of disendowment; and, less directly, in the gradual diversion of the current of charity from houses of religion to those of education. But, though warning had been writ so large, danger was discounted and disregarded. Slight and unsustained were the efforts made to reform the Church from within, during that respite of one hundred and fifty years which followed the death of Edward III; that period, when the temper which had prompted the passing of Statutes of Mortmain, of Provisors, and Praemunire, seemed to

have expended itself; when Church and Crown were in alliance; and popular attention was distracted from ecclesiastical abuses by the Conquest of France and the In attempts to adapt effete in-Wars of the Roses. stitutions to the conditions of the time, and to avert revolution by a quiet process of steady and reasonable amendment, reformers were confronted by obstacles before which they stood powerless. They found suffragans disputing metropolitical control, chapters setting at nought the authority of bishops, monasteries defying episcopal visitation. They found whole ranks and orders within the ecclesiastical pale hedged round with jealouslyguarded privileges, the marks of papal or royal favour in the past; with grants of exceptional tribunals of their own and exemption from the regular jurisdiction of the Church, the growth of ages when every class, every district, every city, tried to shake off external control, and to approach as nearly as it could to a miniature self-governing state. Conscious then of the insufficiency of their ordinary constitutional powers to break through such defences, they too often preferred to acquiesce in defeat, rather than to incur the vexatious delays and possible disappointments which must have attended the suit from pope or king of such extraordinary supplemental authority as would be necessary to insure success.

And the prime example of this vigilant isolation of all classes within the Church, which rendered reformation so difficult, was to be found in the continued existence of the two co-ordinate judicial and legislative systems

of York and Canterbury. Of what profit was it, that Dean Colet warned Convocation of Canterbury in 1512. that if they would lessen the growing 'contradiction of the lay people,' if they desired 'to preserve the Church's liberty, and not to be drawn before secular judges,' they must observe canons of discipline and hold more frequently councils for remedy of clerical abuses, when the grave and important assemblies of the Church lost half their effect from the want of united action between Canterbury and York, and when the currency of remedial measures, sanctioned by either archbishop and his synod, was limited to one-half of the kingdom only. It was this neglect or inability to effect a judicious concentration of her strength, which was to cost the Church dearly when reforms were forced upon her from without. On the abolition of appeals to Rome, the existence of two independent and rival spiritual judges in England rendered plausible the creation of a mixed court, as the final resort in ecclesiastical causes; while the inconvenience arising from the fact that the process of one province did not run into the other, and the irksome obligation which was frequently cast upon suitors, especially in cases of probate and administration, of instituting distinct and separate proceedings over the same matter in the courts of each province, furnished, but lately, strong reasons for taking away from the ecclesiastical courts that jurisdiction in causes testamentary and matrimonial, which they had exercised for more than seven centuries, and for vesting it in a modern and secular tribunal (20 & 21 Vict., cc. 77 and 85). The pos-

sibility of a conflict of opinion between the northern and southern synods supplied Henry VIII and Edward VI with good excuse for referring questions of doctrine and discipline to packed committees of bishops and divines, and Elizabeth with a reason for ignoring the right of the clergy of York to share in the work of ecclesiastical legislation. This, again, was urged by the Puritans in support of their argument that the settlement and guardianship of the reformed religion should be withdrawn from convocation, and entrusted to Parliament (Cobbett. Parl. Hist., ii. 447). And in the present century, the plea that neither convocation was in a position to speak in the name of the whole clerical body, has been put forward in justification of their unconstitutional suppression at the beginning of the eighteenth century; and the possibility of differences between the two in the future, has been used as an argument against their revival (Macaulay, Hist. of England, Vol. III, chap, xiv. 423).

But under ordinary circumstances, during this critical period when it was still possible for the Church to work out her own reforms, the primates stiffly maintained their positions as defined by the agreement of 1353. As archbishops and legati nati, they were practically equal. Occasionally, indeed, the settled order of precedence between them would still be varied. Popes, by their control of the legatine commission, could even now shift the uncertain honour of rank, as when Martin V suspended Archbishop Chicheley from the office of legate, and created Beaufort of Winchester legate a latere

and cardinal. No dispute indeed as to precedence arose on this occasion, for Beaufort was of the blood royal; but the question was raised thirteen years later (1439), when Kemp, then Archbishop of York, was promoted to the cardinalate, and claimed a general right of precedence over the Archbishop of Canterbury. This was disallowed in the House of Lords, where it was ruled that cardinals, as foreign princes, could not of right possess a seat, and that Kemp appeared there solely in right of his barony; but as to precedence elsewhere. Pope Eugenius decided that, as cardinals hold the first place in the Church after the Pope, and were appointed to preside over the universal Church, Chicheley must give place, even in his own province, to his rival of York. But the only question that was raised on this occasion was that of personal precedence. Once only did an archbishop find himself furnished with influence and authority sufficient to enable him to enterprise a fusion of the two provincial systems; when Wolsey. Chancellor and Archbishop of York, and endowed, at the request of the King and with the apparent acquiescence of Warham, Archbishop of Canterbury, with the promotion of cardinal legate a latere, 'thought himself able to surmount Canterbury, who was but an ordinary legate, in all ecclesiastical jurisdiction; to convocate Canterbury, and other bishops within his precincts, to assemble at his convocation in any place within the realm where he would assign; taking upon him the correction of all matters in every diocese, visiting all spiritual houses, and presenting whom he would to benefices in England' (Cavendish). But hardly had the work commenced, when the Cardinal fell; and the designs of the great minister and the very agents he had employed for the work, were utilized by his master, not for the furtherance of education or religion, but for the plunder of the Church and the dissipation of her property.

Such inversions of the regular order of the English Church were, however, most exceptional. By the middle of the fourteenth century, Canterbury had established the claim to be the first subject in the realm. As such, and as 'having by virtue of the dignity and prerogative of his metropolitical church, the first voice in parliament among the prelates and nobles,' Archbishop Stratford, in defiance of Edward III, claimed entrance into the painted chamber at Westminster (State Trials, i. 66); as such, Archbishop Arundel was called upon, first of the peers, bishops, and commons of England assembled in Westminster Hall, to declare whether the resignation of the throne by Richard II be accepted or not (Rot. Parl., iii. 417). In the spiritual sphere, primates of all England had been accorded, under the agreement of Islip and Thoresby, a certain preeminence over their brothers, the primates of England; and the agreed acknowledgement of their superiority appears to have been regularly exacted and paid down to the Reformation period, when the destruction of the shrine of St. Thomas rendered further public tender of the tribute impossible. In the register of Archbishop Bowet (1407) is entered the sum of £40 paid for the requisite image

or jewel, but with the protestation 'that the offering is one of freewill, and not made by virtue of any pretended agreement between his predecessors and the archbishops of Canterbury.' Kemp, on his translation from London to York (1426), made the usual gift in return for the privilege to carry his cross erect in the southern province (Kemp's Register). So, too, in the year 1453, Archbishop Booth appointed Thomas Tirell, Knight, his proctor and special messenger to bear the customary image to Canterbury; and the letter of attorney was carefully preserved in the letter-books of the monastery of Christ-Church (Litterae Cantuar., iii. 223). Archbishop Parker, in his work De Antiquitate Ecclesiae Britannicae, states that, in the year 1469, George Neville, Archbishop of York, was compelled to postpone a pilgrimage to the tomb of St. Thomas, because he had neglected to offer the usual jewel; and a similar omission was probably the occasion of a dispute which arose between Archbishops Warham and Wolsey, when the latter, immediately after his appointment to the see of York, 'erected his cross in the Court and in every other place, as well in the presence of the Archbishop of Canterbury, and in the precinct of his jurisdiction, as elsewhere' (1514) (Cavendish, i. 28). Twenty-five years later, St. Thomas was declared a traitor. His shrine was cast down; and the tribute of some fourteen archbishops of York went to swell the spoil of gold and silver, precious stones and vestments, which the Defender of the Faith carried off in cart-loads from the Mother-Church of the Realm.

Of the two metropolitans, Canterbury was 'prior

parium.' So much, York was no doubt now ready to admit for the sake of personal convenience. days when the prizes of the Church were being conspicuously employed either to reward civil services or to attach families of influence to the Crown, the consideration, which appears to have been uppermost in the minds of northern primates, was that of their position as chancellors, treasurers, ambassadors and nobles. As courtiers and officials, they would acquiesce in a settlement of the question of precedence which allowed them to attend the king in proper state, and to figure with due display in those pageants and processions, which at this time were regarded, not as mere shows, but as in themselves affairs of state and visible and tangible manifestations of power (Gairdner, Letters of Richard III and Henry VII (Rolls Series), i. pref. xv). That they were archbishops also, was too often an afterthought with them. That line of great builders and benefactors of York Minster, among whom Thomas of Bayeux, Roger of Pont l'Evêque, Walter Gray and Melton are conspicuous, ends with the munificent Thoresby. The flagging interest of his successors in their see is also to be marked in the archiepiscopal registers. The series of such records begins in the time of Archbishop Gray, whose official act-book, when the two rolls of which it consists are united, is one grand chart, 70 feet in length by 81 inches in width, written on both sides: and as long as rivalry with Canterbury was acute, these fasti of York were of the fullest description, illustrating not only the private life and diocesan work of the archbishops, but also their rights and obligations as metropolitans, and their duties as great agents for disseminating throughout the north the mandates of the king and his council. But such proofs of devotion to Church, city and province cease with Thoresby. The act-books of Alexander Neville, Arundel, Waldby and Scrope are 'thin and carelessly-written volumes, indicative of neglect and indifference,' recording chiefly the acts of vicars-general in the absence of their masters, who were usually non-resident; while the registers of later archbishops contain little more than the ordinary procedure of the archdiocese (Letters from Northern Registers (Rolls Series), pref. xi; Register of Archbishop Gray, Surtees Soc.).

The same change is apparent in the chronicles of the period. Hugh the Chantor and the loyal Yorkist Thomas Stubbs (1373) had written in red-hot indignation to vindicate the independence of their Church and province. Their heroes are archbishops who dared to be archbishops. But the preponderance of the politician over the primate in those whose biographies he relates, weighs upon the pen of the unknown author, who, continuing the work of Stubbs, carries the lives of the archbishops down to that of Wolsey (Histor. of York, ii). They were defenders of the northern border, as Henry Bowet (1407), whose store of archiepiscopal armour, 'jakkes of defence,' leg-guards, breast-plates, helms, gauntlets, 'stok-gunnes,' and battle-axes, many of which are described in the accounts of his executors as 'veteres,' 'multum debiles,' and 'de antiqua forma,' bore witness, not only to his

own prowess, but to that also of those 'mallei Scotorum,' Archbishops Romanus, Greenfield, Melton, and Zouche, the hero of Neville's Cross (Archaeolog. Journal, 19). They were political intriguers as the Nevilles, Arundel and Scrope; great officers of State like Kemp, Rotherham and Wolsey; ambassadors as Bainbridge. But they were rarely seen as archbishops in their metropolitical city, and as non-residents were regarded with little favour in the north. Their province, in which the management of their spiritualities was left to a vicar-general, that of their temporalities to middlemen and agents, was in a state of chronic insubordination, which apparently came to a head about the middle of the fifteenth century. Ottley, men of the forest of Knaresborough 'so letted Cardinal Kemp's steward and bailiff, that they could not use their customary rule and governaile, nor gather the due tolls at the town fair.' Lives were lost after Ripon fair, when another band of misdoers and rioters fell upon the primate's officers as they returned to York, 'noising and crying "Stay the Archbishop's carls" and "Would we had the Archbishop himself here."' At fair times, the last-mentioned town 'was kept, like as it had been in time of war, by an archiepiscopal force, waged thither from Tynedale, Hexhamshire, Beverley and Cawood, who, clothed with breast-plates, vambracs and rerebraces, greves and quischers, gorgett and salett, longspears and lance-gayes, went robling up the town and down, saying openly (it was the most continual language that they had during the fair) "Would God those knaves and lads of the forest would come hider, that we might have a

faire day upon them," and other words of great scorn, rebuke and provoking' (Plumpton Correspondence, Camden Society). When Kemp issued processes against some of the laity in his province for offences of an ecclesiastical nature, rebels, at the instigation of the Earl of Northumberland, broke down his park-palings, destroyed his mills, and threatened to attack his residence at The chronicler is clearly of opinion that Southwell. his primates performed their whole duty as spiritual pastors, if they introduced themselves to their future flock at a suitable banquet, if they presented from time to time an ornament or vestment to the minster, and kept open house when they chanced to be in residence. Thus he carefully records that Bowet 'built a banqueting hall at Cawood and a kitchen at Ottley manor; that he surpassed even his predecessors in generous hospitality, and consumed more than eighty tuns a year of red wine in entertainment of his friends.' Archbishop George Neville naturally attracts his praise; that typical prelate of the age, brother of the 'King-maker,' Chancellor of the University of Oxford at the age of twenty-one, and, before thirty-six, Chancellor of England and Archbishop of York; the length of whose magnificent installationbanquet of one thousand courses, the one stirring event in Church history under Edward IV, so excited the curiosity of Fuller; for 'by the pork, doves and woodcocks eaten therein, it plainly appears to have been kept in winter, when such are in season; and how the same can be reconciled with so much summer-fowl, he knows not.' The lavish entertainment of both York and

Beverley by Rotherham, his erection of 'pantries and bakehouses at Bishopsthorpe'; the hunting exploits of Archbishop Savage (1501) and 'his retinues of tall servants'; and how he lived under a cloud because he was enthroned by deputy, and 'was the first to omit the feasting customary at the installations of archbishops of York'; such are the most remarkable deeds of these latter-day primates, as recorded by the degenerate successor of Hugh the loyal Chantor.

But if their ecclesiastical duties sat somewhat lightly on the shoulders of northern primates, if they accepted second place to Canterbury in Parliament and Privy Council, and in processions, they by no means neglected the preservation of the rights and privileges of York as an independent province. Atterbury, indeed, in his Rights of an English Convocation, asserts that an usage grew up that Convocation of Canterbury should assemble some fortnight before that of York, in order to set up a precedent, which it was expected that the other province would almost implicitly follow in the matter of clerical subsidies. The reason for this arrangement he declares to be, that, 'if the two provinces had continued to attend Parliament, the York clergy would have had no negative upon the parliamentary grant of the clergy; being a very unproportioned part of the assembly. When, therefore, they desired to meet and grant separately, the Crown had reason to expect that, what the greater province did, should be a rule to the less, or otherwise would not have consented to their separation.' Thus, in the year 1318, Edward III, in a letter to the

dean and chapter of York, informs them that the clergy of the province of Canterbury have already agreed to make 'un aide convenable,' to enable him to carry on the Scotch war, and bids them summon the clergy of their province, in order to vote some suitable grant, 'eant resgard que lesploit de nos dites besoignes touche plus a vous que a ceux del autre Province, de tant com nos enemis vos sont plus pres.' In 1377, Richard II wrote to the Archbishop of York on the subject of the delay made by his clergy in payment of a clerical tenth; and bade him, 'coment la province d'Everwyk a condiz acustumez en le temps de notre tresch. Sire et aiel le Roy affere semblablement et auxi bien com ont fait ceux de la province de Canterbire,' to take effectual care that his clergy made prompt payment. In 1382, the northern metropolitan is instructed to inform his clergy that the province of Canterbury has granted a tenth, and to require them to vote a like amount, 'vel aliud subsidium competens et aequivalens.' Wake, however, in his State of the Church, quotes several instances when the aids voted in the northern province corresponded in no way with those granted in the southern; and proves that the vote of Canterbury, instead of forming a binding precedent, was viewed rather as a suggestion which York usually, but by no means invariably, consented to accept. A striking example of the manner in which this right of independent action was manifested in Church acts, as well as State aids, was given in the year 1463. While successive primates of all England and their synods had drawn up canons for the regulation of the province of Canterbury, there appeared no provisions made for the government of the northern Church, except the Constitutions of Zouche (1350), Thoresby (1363), and John Kemp (1444). But when, in the year mentioned, it was resolved to supply this want, and to secure uniformity of the order, discipline and judicature of the national Church, by the adoption of the ecclesiastical law of the province of Canterbury, which had been recently codified by Lyndewood in the Provinciale, Convocation of York agreed to accept the same, only so far as it was in 'nowise repugnant or prejudicial to that of York, and not otherwise, nor in any other manner' (Booth's Register).

In these halcyon days before the storms of the Reformation, the two archbishops lived on comparatively peaceful terms in command of their separate imperia in imperio. They had their own mints and were authorized to strike money for their own benefit, a privilege dating back to times at least as early as those of Jaenbert of Canterbury (763-790) and Eanbald II of York (780), and lasting to the days of Archbishops Cranmer and Lee. Each province boasted its body of ecclesiastical laws, being the jus commune of the Church developed by able administrators, and amplified and supplemented by the national canon law consisting of legatine and provincial constitutions; its own tribunals, where the procedure followed the forms of the Roman civil law; and its own band of canonists and civilians; law, tribunals, and lawyers alike, being, each and all, distinct from, and frequently in rivalry with, those of the Royal Courts.

As proconsuls of the Church-Empire, the primates, heads of their respective systems of ecclesiastical judicature, acknowledged no superior outside the walls of In the province of Canterbury the judicial powers of the archbishop were distributed between four courts. In the court, commonly known as the Court of Arches, held in the Church of St. Mary-le-Bow, sat a judge bearing the titles 'Official Principal of the Archbishop' and 'Dean of the Arches,' whose jurisdiction extended over all ecclesiastical causes, and whose tribunal was a court, not only of appeal from the diocesan courts of the province, but also (whether or not by virtue of the archbishop's legatine capacity) a court of first instance. The Court of Audience met usually under the presidency of the archbishop himself in the Consistory Court of St. Paul's, and exercised powers co-ordinate with those of the Court of Arches. Testamentary business was assigned to the Prerogative Court which sat under the Master-Keeper or Commissary, first in the Archbishop's Palace, and, after the Reformation, in Doctors' Commons. Lastly, the Court of Peculiars adjudicated on causes arising within the thirteen London parishes, which, as peculiars of Canterbury, were exempted from the jurisdiction of the Bishop In the province of York, a Prerogative of London. Court and a Chancery Court of the archbishop answered to the south-country Prerogative Court and Court of Arches. Below the archiepiscopal courts in both provinces came in order, the diocesan courts of the bishops held in the cathedrals of the dioceses, where judicial functions were shared between the bishops and

their chancellors; the archidiaconal courts; and the courts of the rural deans.

Ecclesiastical jurisdiction, 'in its widest sense, covered all the ground of ecclesiastical relations, persons, properties, rights, and remedies; churches, their patronage, furniture, ritual and revenues; clergymen in all their relations, faith and practice, dress and behaviour in church and out; the morality of the laity, their religious behaviour, their marriages, legitimacy, wills and administration of intestates; the maintenance of the faith by laity and clergy alike, and the examination into all contracts in which faith was pledged or alleged to be pledged; the keeping of oaths, promises and fiduciary undertakings.' To such a wide subject-matter was the rule theoretically extended, that no question touching the government of souls should be tried by a secular tribunal (Eccles. Cts. Commiss. 1883, xxii). Over many of these matters of litigation, especially those which were of a mixed character, a border warfare had raged for centuries between the two sets of lawyers, marked by royal prohibitions issued to check encroachments attempted by the spiritual against the province of the secular courts, and by compromises such as the so-called statutes 'Circumspecte Agatis' and 'Articuli Cleri.' But, in spite of the fact that, from the time of Henry II, the lay courts had been the aggressors and victors in almost every contest, the area of ecclesiastical jurisdiction was still of vast extent; and, besides comprising 'such things as were meer spiritual, that is to wit' the administration of churches, their furniture arrangements and services, and the distribution of their revenues; the ordination of clerks and consecration of bishops; the correction of offences committed against ecclesiastical law and also the common law by the clergy, and of brawling, incest, incontinence, and defamation by the laity; covered also causes partaking both of a spiritual and civil character, as suits for tithes and church-rates; and extended to matters which had no connection with the Church except in a strained and remote sense, such as questions of testacy and intestacy as to chattel interests, the validity of testamentary instruments and grants of letters of administration, and suits for nullity of marriage and for the restitution of conjugal rights.

'In provincial convocations,' writes Burn, 'the archbishop sat as king; his suffragans sat in the upper house as his peers; deans, archdeacons, and a proctor for each chapter, represented the burghers; and two proctors for the clergy of each diocese, the knights of the shire.' In these assemblies the archbishop was the legislator. From him proceeded canons and constitutions which he decreed with the advice of his brethren. 'De fratrorum nostrorum et cleri proedictorum in proesenti concilio proesentium consensu unanimi, statuimus decernimus et ordinamus,' etc. (Lyndewood, *Provinciale*, 104).

By this time these clerical parliaments had acquired definite constitutions and a considerable degree of legislative independence. Those great mixed councils of no fixed organization, which in Anglo-Saxon and Norman times had discussed secular and spiritual matters, and passed resolutions thereon, were now dead.

The assemblies which had existed by their side, where ecclesiastical affairs formed the sole subject for debate, whilst the majority of the members were of the clergy, had purged themselves of the lay element, and were now represented by the two purely clerical convocations of the provinces. The fixed constitution of that of Canterbury may be dated from the year 1283, when Archbishop Peckham resolved to summon to a synod at the New Temple two proctors from each diocese to represent the lower clergy, and one from each cathedral and collegiate chapter. 'The rule was then, or soon after, accepted as a canon; and the body so constituted, including bishops, abbots, priors, heads of religious houses, deans of cathedrals and collegiate churches, archdeacons and proctors, was the Convocation of Canterbury' (Stubbs, Const. Hist., ii. 215). That of York was somewhat differently constituted, as, owing to the small number of dioceses in the northern province, two proctors were summoned to represent the clergy of each archdeaconry, an arrangement which dates at least as early as the year 1279.

The claim asserted by the Conqueror and maintained by Henry I, that the sole right to call together synods of the Church lay vested in the sovereign as a royal prerogative, soon broke down, and archbishops began to convene these councils without the king's command, and sometimes even in defiance of his prohibition. Thus, Hubert Walter, in the year 1200, celebrated the synod of London in spite of the prohibition of Geoffrey FitzPeter, the King's justiciar. In 1257, Archbishop Boniface sub-

mitted to the assembled clergy of his province the question, whether, if a king forbids prelates, under pain of forfeiture of the possessions they hold of him, to attend a synod ordered by an archbishop, it is lawful to discuss at such a meeting the affairs of the Church, or more expedient to obey the royal command. The clergy answered that they would proceed to business, notwithstanding the prohibition; and so they did, as appears by the roll of grievances they then drew up and pre-Edward I attempted to resume the practice of instructing archbishops to call ecclesiastical assemblies; and throughout his reign and that of his successor, the clergy constantly protested that the royal summons was a serious subversion of the liberties of the Church, and an encroachment upon the right of metropolitans to determine the times and seasons when they would convene their provincial synods (Wilkins, Conc., i. 505, 728; ii. 443). After long dispute a compromise was arrived at early in the reign of Edward III, under which the right of the metropolitan to summon together the representatives of his clergy was recognized, as also that of the King to assemble both provinces by royal writs addressed to the archbishops. Even when convocation was assembled by royal command, the day of meeting was usually left to the determination of the metropolitan, and sessions and adjournments do not appear to have depended in any way on those of Parliament. the business of the Crown was concluded, the archbishop might either dissolve the assembly, or continue the sitting for other purposes by his own authority. Speaking

generally, from the eighth year of Edward III to the Clergy Submission Act, 25 Henry VIII, c. 19, assemblies of the Church were of two kinds; convocations called by the archbishops at the instigation and order of the Crown, usually for the purpose of clerical taxation; and synods summoned by the metropolitans at their own discretion, without any writ from the king or any expression of desire on his part.

The importance attached to the deliberations of these clerical parliaments is shown by the extension, under the Statute, 8 Henry VI, c. 1, to 'all clergy called to convocation by the king's writ, of such liberty and defence in coming, tarrying, and returning, as was enjoyed by the great men and commonalty in attending the king's parliament'; and also by the stringency with which the due attendance of members was enforced; such punishments as sequestration of the fruits and profits of their churches, and suspension from celebrating divine service, from entering a church, and from exercising spiritual jurisdiction, being inflicted by the archbishops upon such as contumaciously failed to appear, or, having appeared, departed during session without special leave (Gibson, Synodus Anglicana). Their impressiveness in point of numbers appears from the following tables:-

Convocation of Canterbury in the year 1492 consisted of the following members:

Deans of cathedrals			-	-	-	-	IO
Precentor	r of St	. David's	-	-	-	-	1
Abbots	-	-	-	-	-	-	140
Priors	-	-	-	-	-	-	144

Masters of collegiate of	hurche	s, religio	ous hou	ıses,				
&c	-	-	-	-	11			
Archdeacons -	-	-	-	-	51			
Capitular proctors	-	-	-	-	18			
Diocesan proctors	-		-	-	35			
Archbishop and suffra	gans	-	-	-	17			
Total numbers of the Canterbury provincial synod, according to the records - 427 (Register of Archbishop Kemp.)								
To this number must be added the bishop and representatives of the diocese of Landaff; probably about thirteen more members - 13								
process, married								
					440			

The provincial synod of York, in the year 1421, consisted of the following members: according to the representative system in the northern province, two proctors were chosen for each archdeaconry, whereas in the southern province, two were chosen to represent each diocese.

Archbishop of York	-	-	-	_	I		
Bishop of Durham				_	ī		
Bishop of Carlisle	-	٠_	_	-	I		
Dean of York -	-	-	_	-	I		
Abbots	_	-	-	_	20		
Priors	_	_	-	_	29		
Master of Beverley, Minister of St. Robert, and							
Guardian of spir	ritualitie	s at H	owden	-	3		
Archdeacons -	-	-	-	-	7		
Masters' and archdea	cons' off	icials	-	-	9		
Capitular proctors (Yo	ork 2)	-	-	-	6		
Clergy proctors: 4 for for Howden; 2 for	r Durhai or each	n;2fo Yorka	r Carlisl rchdeaco	e ; 2 onry	18		
Total members of the according to the		provi	ncial sy	nod -			
(Register	of the I	Dean a	nd Cha	pter o	f York.		

The regular separations of the provincial synods into upper and lower houses, became the rule at a comparatively late date, although very early traces of occasional divisions of the kind may be found. In the days when bishops and clergy debated together, the clergy were sometimes directed to retire when the archbishop and his suffragans desired to discuss any matter in secret, or when any peculiar business was referred by the president of convocation to the particular consideration of the lower members of the assembly. Gibson (Synodus Anglicana) cites many instances in the latter half of the fourteenth, and the earlier half of the fifteenth, century, when the clergy of the convocation of Canterbury were dismissed 'to a different part of the Church,' to 'such fitting and seemly place as they might choose,' 'to the schoolroom in the churchyard,' and 'to the room below the chapter-house.' Speaking generally, from the year 1404 it became customary for archbishop, bishops, abbots, and priors to remain in the chapter house after a joint session at opening, while deans and lower clergy withdrew to deliberate, under the presidency of a prolocutor, in the usual 'lower house,' the divinity school under the chapter house of St. Paul's Cathedral. was not until the sixteenth century that the sessions of the southern convocation were removed to Westminster. It is probable that convocation of York followed the example of Canterbury, and split up into two houses about the same date, but with this difference, that the upper house in the north consisted of the archbishop and bishops alone.

The chief check on synodal legislation arose from the fact that convocations were in those days but the legislative organs of a dependent fragment of the whole Catholic Church. Every Christian was bound to obey all the constitutions and ordinances contained in the Decretum, the Decretals, the Sext, and the Clementines. in such wise as obedience was demanded of them by the Roman Church; and if, in some countries, strict observance of the whole letter of the law was not enforced, if in others it was excused by special exemption, it was by no means open to any group of subjects to pick and choose which portion of the jus commune of the Church they would accept, or to refuse such statutes as were set upon them by the legislature which legislated for the whole Catholic world. An archbishop. therefore, an inferior officer of the hierarchy, though he might decree in his convocation canons declaratory of the general Church-law, which recalled it to memory, amplified, or supplemented it, yet had no power of derogating from, to say nothing of repealing or overriding, the laws of his superiors, the Popes and their legates a latere (Maitland, Canon Law in England). But, subject to these restrictions, convocations had acquired by this time practical independence in matters concerning the internal government of the Church, and the-levying of taxes on the temporal possessions of the clergy. As to the latter privilege, the ineffectual attempts made by the first three Edwards to induce representatives of the clergy to attend parliament, were now abandoned, and from the year 1340 the Crown

acquiesced in the rule that clerical tenths should be granted in provincial convocations. As to canons and constitutions, early Norman kings had indeed declared that no archbishop in any general council of bishops should ordain or forbid anything that was not agreeable to the royal will, and had not been previously ratified by the royal consent. This restraint, however, had been practically shaken off during the turmoil of Stephen's reign, and sovereigns were now content to warn convocations that, in legislating on matters of spiritual and ecclesiastical interest, they must avoid any infringement of royal rights and the customs of the realm: 'Nous defendons a vous tous et a chascun de vous que vous nulz choses ne ordeins ne facies ne assent a nul ordinance, que puissont turne a prejudice ou a grevance de nos, ou de nul de nos ministres, ou de ceux qui sont a nostre peax et a nostre foy et en nostre protection, ou de nos adherents, ou a nul d'eux' (Spelman, ii. 427). 'These Church assemblies,' writes Hallam, 'formed legislative councils in ecclesiastical matters, by the advice and consent of which alone, without that of the commons, Edward III, and even Richard II, enacted laws to bind the laity.' They conferred and treated upon 'such matters and ordinances, as they thought necessary and convenient for the honour and service of God, the good and quiet of the Church, and the better government thereof'; and canons of discipline, orders for choral services, measures for the extirpation of heresy, the reform of manners, and the dealing with foreign Churches and general councils, are evidence of

their activity. In dealing with such subjects, they apparently considered themselves free to legislate without even obtaining the royal licence: 'Prelates of the Church,' declared the clergy in convocation in the year 1532, have a spiritual and judicial power to rule in faith and good manners, necessary to the soul's health; and have authority to make laws and rules for that purpose, without requiring the consent of princes; which rules and laws bind all Christian people as of themselves, so that there needeth not of necessity any temporal power to concur with the same by way of authority.' So long as such constitutions and canons, issued by the authority of the archbishops, with the advice and consent of the bishops and clergy, bound the clergy alone, or the laity in foro conscientiae only, they met with little or no opposition. It was only when the Church went beyond her recognized right, and attempted to legislate for the laity in matrimonial, testamentary and tithe matters, that the jealousy and watchfulness of parliament were aroused. against such action that the commons petitioned in 1344 'that no motion made by the clergy to the injury of the laity, might be granted without examination before the king and lords'; and against such 'fashions of laws, made without the knowledge of the king or the consent of his lay subjects,' that they drew up, in 1532, the chief article of their famous 'Supplication against the Ordinances.'

Such, on the eve of the Reformation, was the spiritual dominion of the archbishops of England—Dei gratia

Cantuariensis Archiepiscopus, primas totius Angliae et Apostolicae Sedis legatus, eademque gratia Eboracensis Archiepiscopus, Angliae primas, et Apostolicae Sedis legatus—the chief officers of the Catholic Church in England.

The National Church, over which they presided, was still in a position of outward magnificence and power. Alone comparatively uninjured, while king, nobles and commons were suffering heavily in the French wars and the wars of the Roses, it was now in close alliance with the Crown, commanded a majority in the House of Peers, and held ties in every family in the land. Although archbishops and bishops were no longer warriors, and though in the recent revolutions 'the Somersets. Buckinghams, Warwicks and Cliffords, and not the Canterburys and Yorks, had been at the head of the conflicting parties,' usurpers had been anxious none the less to propitiate the Church, and to secure from it recognition of their defective claims. They had sought to place on their side of the scale the social and political weight of a caste, the chiefs of which were men of influential families or of great natural ability; the wealth of which was such, that the proportion of direct taxation it bore, amounted to nearly a third of the whole direct taxation of the nation. Thus Henry Bolingbroke, whom the Archbishops Arundel and Scrope had enthroned, not only rejected proposals of the knights of parliament to confiscate the property of prelates and clergy 'who in time of war passed lives of luxury at home,' but promised to leave the Church in even greater prosperity

than he had found it. Any man who should venture to lay finger on clerical goods, 'should have for his spoyling as good knokkis as ever had Englishman.' Edward IV and Richard III in turn granted charters confirming the privileges of the clergy and their exemption from civil authority; and in 1500, such was the political influence of great prelates, that it seemed to the Venetian ambassadors as though the country were ruled by priests both in peace and war: 'preti et in guerra et in pace hanno sovranita del regno' (*Relation of England*, Camden Soc., p. 35). The long line of ecclesiastical ministers is continued after this date in Morton, Foxe, and Warham, and does not end until the tragic downfall of Wolsey.

Alliance with the Crown had saved the Church. From the day when Arundel secured the statute 'De Heretico comburendo' as a weapon against those extreme followers of Wyclif, who, 'under the guise of sanctity preached against law, human as well as divine,' to those when the great Cardinal of York, on his deathbed, prayed for the 'depression of the new pernicious sect of Lutherans,' attacks on the doctrine and possessions of the Church had been represented as but a prelude to attacks on the Crown and Constitution; and kings had lent archbishops the aid of the secular arm to crush a spiritual, lest it should lead to a civil, Though clerical wealth was still prodemocracy. verbial; and, apart from the vast amount of property, real and personal, possessed by large ecclesiastical corporations, and the untold wealth lavished on-popular shrines, 'no parish church, no convent of mendicant

friars was so poor as not to possess crucifixes, candlesticks, censers, pattens and cups of silver'; the violent attacks which had once been levelled against such temporal possessions, were now discredited by their connection with the socialistic teaching of the Lollards. As an authoritative system of belief and practice, the Church was still without a rival in Western Europe, for as vet no heresies and schisms had arisen serious enough to weaken its claims to be truly and literally catholic. Lethargic and corrupt though it was, none can have anticipated the rapid and summary methods of Henry's revolution; and the country generally was strangely unconscious of approaching changes. The form of public worship was still popular, though, from the relation of the Venetian Ambassadors, it would appear that mechanical action had to a great extent superseded genuine devotion. If the profound and undoubting beliefs of the eleventh and twelfth centuries had passed away, pilgrimages were still popular, churchbuilding and restoration were pursued with zeal. Among the general mass of the people, trust in the ability of the priest to obtain blessings by his intercession, superstitious dread of the evils which his denunciations might call down, were comparatively unshaken. Here and there, someone might point out the moral evils attending promiscuous pilgrimages, and pour ridicule on the worship of relics. Rare suggestions might be made that the treasures of shrines should be sold and given to the poor. Here and there, some daring rationalist might throw doubt on the terrors of excommunication, and maintain with Wyclif that 'no man could be excommunicated to his injury, unless he were first and principally excommunicate to himself.' But such views were exceptional, and savoured dangerously of heresy; and ecclesiastical censures, apart from the variety of civil incapacities they involved, furnished a sanction to that discipline exercised by the clergy over the morals and religious observance of the laity, which sufficed to keep the whole population in awe.

'Holding thus in its hands powers natural and supernatural, great and varied, the ecclesiastical organization seemed still impregnable and irresistible.' Like the great image of Nebuchadnezzar's dream, 'its form was still terrible.' But the kingdom of fine gold, of silver, and of brass, had passed away. They had given place to one of 'iron mixed with miry clay,' partly strong and partly broken, destined to be swept away 'like the chaff of the summer threshing floor.'



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CHAPTER VII.

ROYAL SUPREMACY.

'A king with a pope in his belly.'-Nathaniel Bacon.

THREE years had elapsed, since Wolsey, in 1526, had persuaded Henry to apply to Clement VII for a bull annulling his marriage with Catherine; three years marked by the hopeless vacillation and duplicity, the diplomatic delay, of a Pope, 'sure of two great friends as long as the cause depended; but when it should be decided, sure of one great foe, either the Emperor or the King of England.' In 1529, at the moment when judgment was expected of Wolsey and Campeggio, the papal delegates in England, Catherine lodged her appeal, and the cause was advoked to Rome for further trial. It was at this juncture, when Henry was almost in despair, that Thomas Cromwell sought audience, and suggested that bold policy, which, in seven years, abolished the authority of the Pope in England, and changed the whole character of the English Church. His advice was simply that the King should claim what was his by right. 'Papal supremacy was a fiction of priests who

sought under colour thereof to escape the jurisdiction of the Crown. If Henry got himself declared Head of the Church within his own dominions, he could compass his desires by securing a decree of divorce from his own ecclesiastical courts, and at the same time, by his patronage of monasteries and bishoprics, enhance and enrich the royal dignity.'

The Church again stood between a king and his will; her wealth, independent synods, and jurisdictions, the one check upon royal absolutism. Now, as some four centuries earlier, the baronage was in no fit state to cope with the Crown. The old nobility had been cut off in the Wars of the Roses, until in the parliament of 1485 they mustered but twenty-nine in number; and vacancies in their ranks had since been filled by 'new set-uppe' men, bound to the sovereign by ties of gratitude or fear, whom liberal grants of forfeited estates 'had as it were fleshed, and set their teeth on edge,' to ask also the plunder of the Church. The House of Commons was packed with servants and pensioners of the Crown, with representatives of corrupt and intimidated constituencies. Attention generally was distracted from questions of government by the revival of learning and the discovery of the New World; and the bulk of the population, who were soon to shew their apathy with regard to religious problems by an easy acquiescence in quick changes of faith and doctrine under Edward VI, Mary, and Elizabeth, were ready to welcome any scheme for filling the royal purse, however unscrupulous it might be, which would relieve their

pockets from the drain of forced loans and benevolences and compulsory releases of the King's debts, and leave them unencumbered to push their fortunes in the fresh fields now open to commerce.

The struggle was to be left to Church and Crown. History was repeating itself, but with a difference. While the throne was occupied by another Henry, equalling his predecessor in vigour and ability, no Anselm, no Becket, filled the seat of Augustine or of Paulinus. Wolsey was in disgrace at York. The aged and unambitious Warham was dying at Canterbury; and though another Thomas was soon to succeed to the high and chargeable office of Archbishop and Primate of all England, he was destined by his servility more to diminish ecclesiastical privileges, than St. Thomas the Martyr did amplify them by his intrepidity and death. The Church, moreover, had lost the hold she had once secured upon the affections of the people by the loftiness of her aims and the beneficial exercise of her influence. She no longer stood as the herald of liberty, the upholder of order in a distracted land, the dispenser of a milder law; but lay discredited and leaderless, a stone of offence in the path of progress, barring with cruelty and intolerance the advance of freedom of thought and action. Traditions of services in the past were to avail her little. The critical spirit of the time required that superior merit of extraordinary advantages should be proved by superior intrinsic worth. Weighed in the balance she was found wanting.

The rapidity with which Henry pushed through his

plan, shews the weakness of the resistance which was offered. 'It is intended,' wrote the French ambassador in October, 1529, 'after the death or disgrace of Wolsey, to impeach the whole state of the Church, and strip it of its wealth; a statement which it is hardly necessary for me to write in cipher, for it is proclaimed openly.' December, 1530, a month after the death of the great Cardinal, an information was lodged in the King's Bench under the Statute of Praemunire, charging the whole clergy of England with having acquiesced in, and obeyed his commands as legate. The plea that the King himself had begged the papal commission for his former favourite, and that the clergy were excusable in submitting to an authority so countenanced, was of no avail. However, though they were liable to forfeiture of all their goods under the statute, His Highness, 'having alway tender eye with pity and compassion towards his spiritual subjects,' was willing, upon a reasonable composition and full submission, to pardon their trespasses. This 'reasonable composition' amounted to £100,000 from the clergy of the province of Canterbury, and £18,000 from those of the province of York, sums totalling about a million of our present money; while the 'full submission' was an acknowledgement of His Majesty as 'sole proctector and supreme head of the But faint resistance was offered by the dismayed clergy. After some discussion and several suggestions of modification, the convocation of Canterbury in February, that of York in May, 1531, agreed to the recognition of Henry as 'singular protector, only and

supreme lord, and, so far as the law of Christ will allow, supreme head of the English Church and clergy.'

This general acknowledgment of the authority of the Crown in ecclesiastical matters was the leading card The King forthwith took in the game which followed. advantage of the jealousy of the commons towards the clergy to attack the legislative independence of convocation; and, in March, 1532, appeared the famous 'Supplication against the Ordinaries,' a petition of the commons, proved to have been prompted by the court by the fact that four drafts of it exist in the Record Office, scored with corrections in the handwriting of Among many general grievances, such as the misuse of patronage, and the iniquities of the ecclesiastical courts, charged therein against the Church, 'the chief fountain and occasion of the discord then existing between the subjects, spiritual and temporal, of the realm,' was declared to spring from the fact that 'the prelates and clergy made divers fashions of laws, constitutions, and ordinances, without the knowledge or consent of the King, and without the consent of any of His Majesty's subjects. Unto these laws lay subjects were constrained to obey in their bodies, goods and possessions, and were compelled to incur daily into the censures of the same, and were put to importable charges and expenses against all equity, right, and good conscience; and yet the said subjects were not privy to the said laws, nor had any of the said laws been declared to them in the English tongue or otherwise published, by knowledge whereof they might have eschewed the

penalties and censures of the same.' On the 19th of April convocation made answer to the supplication by way of an address to the King. Their authority to make laws 'rested upon Scripture and the determination of Holy Church, which must ever be the rule and square to try the justice of all laws.' They could not admit the necessity for a royal ratification of their canons; but 'humbly requested His Grace to shew them his mind and opinion, which they would gladly follow if it should please God to inspire them to do so.' As to other general charges brought against them, abuses, if they existed at all, were the work of particular men, and not of the whole body of the clergy. When proved, they should be remedied.

'We think this answer will smally please you, for it seemeth to us very slender,' suggested Henry, as he handed the address to the Speaker. 'You be a great sort of wise men; I doubt not you will look circumspectly on the matter, and we will be indifferent between you.' A second reply fared no better; and, on May 10, the royal almoner produced before convocation a form of submission, with nothing less than which the King would be satisfied. After some fruitless negotiations the clergy again gave way, and consented that in future they would neither enact canons nor enforce them without royal assent, and agreed to the revision of existing canon law by a commission of thirty-two persons.

'A strange thing is happening here,' wrote the Imperial ambassador, 'parliament has been discussing the revocation of all synodal and other constitutions, and

the prohibition of holding synods without express license from the king. Churchmen will soon be of less account than shoemakers, who at any rate have the power of assembling and making their own statutes.' Everything conspired to bring about this result; for in the summer of 1532 William Warham died, after making one despairing protest against all statutes made in derogation of the Apostolic See or in diminution of the powers and liberties of the Church of Canterbury; and in March, 1533, Thomas Cranmer was consecrated archbishop in his stead. The submission which had been made by the clergy was forthwith embodied in an Act of Parliament, which proved to be the final solution of the mediaeval controversy concerning the respective rights of Church and Crown. There had been two things which the clergy had claimed to do independently of . the Crown, namely, to appeal to the papal Curia in matters commencing in the spiritual courts of this country, and, secondly, to assemble in their synods and make canons, constitutions and the like, provided the same were not directly contrary to the common law of the realm or the prerogative royal. Both these claims were now to be crushed and destroyed. By the Act for the Submission of the Clergy and the Restraint of Appeals (25 Henry VIII, c. 19) all appeals to Rome were condemned, and, for the future, convocations were to be summoned by the authority of the king's writ only. The clergy were also forbidden, under pain of fine and imprisonment, 'to presume to attempt, allege, claim, or put in ure any constitutions, provincial or

synodal, or any other canons, or to enact, promulge or execute any such canons in their convocations in time to come, unless they had the king's license so to do.' The existing canon-law was to be examined and revised by a commission of thirty-two persons to be chosen by the king; but, until such revision took place, such canons as were not contrariant to the laws and customs of the realm or the royal prerogative, should still be used and executed. Finally, no constitutions or canons might be made or put in execution within the realm by authority of convocation, which were repugnant to the king's prerogative or the statutes of the realm.

This statute, with one which converted bishops into mere nominees of the Crown, and with those which repudiated the administrative claims of Rome, abolished the payment of annates and other customary fees, and forbade the request of dispensations and licenses from the papal court and the suit of confirmatory bulls and palls by bishops and archbishops, led up to the crowning Act of Supremacy. 'The king shall be accepted as the only supreme head on earth of the Church of England; and shall have annexed to the imperial Crown of this realm, as well the title and style thereof, as all honours, jurisdictions and profits to the said dignity belonging; with full power to visit reform and amend all such errors, heresies, and abuses, which by any manner of spiritual authority ought to be reformed and amended, notwithstanding any custom, foreign laws or foreign authority to the contrary' (26 Henry VIII, c. 1).

Thus rapidly had Cromwell's suggestions been carried

out. In the scheme of Church-government the name of the pope had been erased, and that of the king inserted; and Henry 'had not only vindicated the free exercise of his royal authority over the clergy and ecclesiastical things, exclusive of the interference of the Roman see, but had secured for himself the reversion of the authority claimed by that see, so far as that claim had included powers which he was capable of exercising, whether such powers had been usurpations on the king or on the archbishops and bishops of England. And finally the Church in England lay prostrate before the throne. The king of Piers' Ploughman's vision was come:

'Who should confesse yow religiouses, And bete you as the Bible telleth; And amende monyals, Monks and chanons, And puten to hir penaunce';

and by the pillage of shrine and altar, by the confiscation of the property of religious houses, by the seizure of episcopal demesnes, and by blackmail poured into the 'bottomless baggs' of their commissioners, the masterful Tudors were to supply themselves with a fund upon which to support an extravagant court and an arbitrary system of government.

'Never had English king the like advantage over his people as this man had,' writes Nathaniel Bacon of Henry. 'His title outfaced all question; left rich by his father, trained up in the highest way of prerogative, absolute lord of the English clergy and of their interest in the people; of a vast spirit. A king that feared

nothing but the falling of the heavens; the people, contrarily, weary of civil wars, enamoured with the first tastes of peace and pleasures, while it was as yet in the blushing childhood, over-awed by a strange giant, a king with a pope in his belly, having the temporal sword in his hand and the spiritual sword at his command. Of a merciless, savage nature, but a word and a blow; without regard of his bosom companions; what can then the naked relation of a subject do with such an one? If providence steps not in, and stops not the lion's mouth, all will soon be swallowed up into the hungry maw of prerogative.'

CHAPTER VIII.

'TOOLS OF THE PREROGATIVE.'

With the breach with Rome and the imposition of the Royal Supremacy, the independent life of the Church was finished. Thenceforward she has been condemned to occupy a position tributary and subservient to the civil power, as represented in turn by absolute and constitutional monarchs; and to change masters, in fact if not in name, as the Crown has been converted from the real to the formal, and parliament from the formal to the real, part of the constitution.

From the Reformation to the Great Rebellion, indeed, sovereigns claimed to exercise an absolute supremacy in ecclesiastical affairs; and that, not so much as being a power conferred upon them by the consent of convocation and by the Statutes of the Submission of the Clergy and of Supremacy, as a purely personal prerogative of the Crown, which had been lost for a time, but now was again recovered. They would admit no partner to a share with them in the government of their reconquered ecclesiastical province, wherein they held themselves out as the sole guardians of religion and the sole representatives of the nation, and into which any uninvited intrusion by parliament was in the nature of a

trespass. Supreme heads and kings of the realm of England, they presided as 'personae mixtae' over a body politic, the moieties of which, spiritual and temporal respectively, were to work, each in its appointed sphere, 'bearing to them, next to God, a humble and natural obedience'; and this position, which Henry VIII and Edward VI maintained without opposition, Elizabeth and James I in spite of growing protest, Charles in face of actual rebellion, was no new invention, but was declared to be in strict agreement with the constitutional theory of the kingship as expressed in 'dyvers sundrie olde autentike histories and cronicles' (Stat. of Appeals, 24 Henry VIII, c. 12).

But although, in accordance with this view, parliament was repeatedly warned off the domain of ecclesiastical politics, such prohibitions growing more numerous and more peremptory as the slavish parliament of Henry and Edward developed into the murmuring parliament of Elizabeth and James, and the mutinous parliament of Charles, such restraint upon the interference of the temporalty in ecclesiastical matters did not mean that 'the part of the body politic known as the spiritualty' was to enjoy any corresponding freedom of action. Although in the Statute of Appeals the theory of the Church as a clerical organization, entitled both by usage and its own inherent capacity to the management of its own affairs, was recognized, such management was to be conducted under the supervision of the Crown in place of that of the Curia; and such supervision, under the Tudors at any rate, fell little short of a despotism.

When, as for a short period under Edward VI, the royal supremacy was allowed to stand out 'undisguised by all coulors, shadowes and pretences,' the hollow nature of the independence, nominally left to the Church, at once became apparent. Convocation was practically ignored; bishops were nominated directly by letters patent; and not only held their sees during good behaviour, but exercised their jurisdiction under the King, their writs running in his name and their seals bearing Total destruction in fact seemed about the royal arms. to fall upon the ancient spiritual imperium. This, however, was averted by the early death of the young King; and the shell of the old ecclesiastical system remained standing, undermined though it was, and but poorly concealing the new rule which hid under its cover.

The ancient arrangement, under which the country was divided into two provinces for purposes of Church government, was left undisturbed; and in many of the Reformation Statutes there is displayed an evident intention of preserving a balance of power between the primates. Thus, archiepiscopal courts were kept in independence of one another, whether as tribunals of final appeal in ecclesiastical causes under 24 Henry VIII, c. 12, or of intermediate under 25 Henry VIII, c. 19; and the statute which transferred to the Archbishop of Canterbury and his successors 'authority to grant such licenses, dispensations, and faculties for causes not being repugnant to Holy Scripture, as had heretofore been accustomed to be had and obtained at the court of Rome,' a privilege still exercised in such dispensable

cases as pluralities, unions, orders extra tempora, and the like, expressly reserved to the Archbishop of York 'any rights he might possess to grant dispensations by the common law or custom of the realm' (25 Henry VIII, c. 21). Of the new sees created out of the plunder of religious houses, Gloucester and Bristol, Peterborough and Oxford, were annexed to Canterbury. The see of Chester, too, with an appropriation of the archdeaconry of Richmond, 'parcell of the diocese of York,' was originally founded by letters patent, dated July 16, 33 Henry VIII, as part of the southern province; but the journey from the new diocese to the audience at Canterbury proving a 'cause of intolerable fatigation and importable charges to His Majesty's lieges, and the King, considering that the Archbishop of York had but two suffragans (Carlisle and Durham) within the realm of England,' Chester was dissevered from the province and jurisdiction of Canterbury, and was annexed together with the see of Man to the northern province (33 Henry VIII, c. 31).

When 'any cause of the law divine happened to come in question, or of spiritual learning, it was still to be declared, interpreted, and shewed by that part of the body politic called the spirituality, which had always been found in the past, and was still sufficient and meet of itself, without the intermeddling of any exterior persons, to declare and determine all such doubts, and to administer all such offices and duties, as to their rooms spiritual did appertain.' So ran the Statute of Appeals; and, in accordance therewith, the ancient

courts spiritual, provincial, diocesan, subordinate, and peculiar, continued to do their work; and were still held, except as already mentioned under Edward VI, by the authority of archbishops, bishops and other And even in the newly-created ecclesiastical courts of Delegates and of High Commission, where the supreme heads or governors of the Church were free to choose whom they would, to act as judges, the theory underlying the Reformation Statutes, that they were to exercise their supreme power in administering Church-law through the medium of ecclesiastical judges, was long observed. Inasmuch as the Court of High Commission soon came to be regarded as an engine of episcopal oppression, it is clear what influence predominated there; while as regards the Court of Delegates, there were but a few isolated instances before 1640, in which the commissions issued for the composition of that tribunal, comprised any others than bishops and other ecclesiastics and civilians.

As with courts, so with convocations. In no point was the ancient independence of the Church more formally recognised by the Reformation Statutes than in regard to synodal legislation. Bating the one restraint, which the Act for the Submission of the Clergy laid upon archbishops, from calling convocations at will, as mediaeval metropolitans had done, in no point had their ancient imperia in imperio been more formally admitted than in connection with their independent authority over those clerical parliaments. They were left, and still remain, the heads of their respective

convocations; they still summon and prorogue them. Whereas, according to custom, the Crown in calling parliament, 'wills and directs the chancellor,' as a minister, 'forthwith to make writs for summoning the lords spiritual and temporal personally to attend the sovereign on a certain day at Westminster,' the necessary license of the Crown for the summoning of convocation merely directs the archbishop to exercise his own inherent spiritual authority; 'we command and entreat you by the faith and love you owe us, that you call together with all convenient speed bishops and clergy to appear before you'; and the archbishop in his mandate 'peremptorily cites bishops and clergy to appear before him' in his provincial convocation. While laws are 'enacted by the sovereign with the advice and consent of the Lords and Commons of the realm,' and a bill which has passed both houses is nevertheless of no effect until it has received royal assent, canons are decreed and ordained by the archbishop with the advice and consent of the bishops and clergy; even without royal confirmation they are canons; and the king gives but legal currency to that which without his sanction would remain but a simple appeal to conscience (Gladstone, Remarks on the Royal Supremacy).

The Act for the Submission of the Clergy in no way deprived the metropolitans of their presidency, or convocations of their former privileges; but simply and solely placed the powers of both under restraint. In convocation the clergy still continued to tax themselves; but whereas clerical subsidies had been enforced in

times past by spiritual censures only, suspension, excommunication, or interdiction, the collection was now to be made under threat of temporal penalties also; and ' parliamentary sanction being required for the conveyance of those additional powers to the collectors, grants of money made in provincial convocations were, from the year 1540 onward, submitted to parliament for confirmation and establishment. Determination of the part played by convocation in the reforms of the time is rendered difficult by the fact that the records of the southern synod, which from the days of Archbishop Morton were inscribed in distinct volumes, and no · longer in archiepiscopal registers, perished in the Fire of London. Fuller, moreover, states that 'even when in existence, they were but one degree above blanks, scarce affording in many cases the names of the clerks present.' But there had been, in the Act for the Submission of the Clergy, no suggestion that the Church was to be-handed over to parliament, or to parliament only, for such fresh regulations as she might require from time to time for the purpose of adapting herself to changes of time and condition. Rather did the prohibition of synodal legislation without royal authority, imply, that, with royal authority, it should still be lawful for the clergy to draw up canons in convocation, and to enforce them by ecclesiastical penalties, as had been done in the past, provided such canons were not contrariant to the laws and customs of the realm or to the royal prerogative. And although, under Henry VIII and his son, the constitutional right of these clerical

parliaments to be consulted on all matters of Church policy was not always strictly respected, it must be remembered that the period was one, in which the practical working of the theory of the royal supremacy reached its extreme point in the civil, as well as in the ecclesiastical, sphere of government; when parliament as well as convocation trembled at the look of the Tudors; and when, if binding force was allowed to the decrees of picked committees of bishops and divines, made with the confirmation of the King upon matters of religion and the rites and ceremonies thereof, royal proclamations at the same time, provided they were not contrary to established law, were accorded the strength of statutes (32 Henry VIII, c. 26; 31 Henry VIII, c. 8). And in spite of the absolute power of the Crown, and of the fact that Henry was, as described by Nathaniel Bacon, a 'King with a Pope in his belly,' and quite capable of disposing such matters on his own responsibility, it was to convocation that he referred the examination of theological and judicial questions, such as the limits of papal power and the summoning of general councils; of articles of discipline and doctrine; and of bills to be introduced into parliament; the discovery and suppression of heretical books; and the trial of special cases, such as his divorce from Anne of Cleves (Eccles. Comm. Rep., 1883, Append. IV). And when, under later sovereigns, the royal prerogative was being assailed, and it became necessary to act more in accordance with constitutional forms, it was by the method of ratifying canons in convocation and publishing them to be obeyed by all their subjects, every man in his office, degree, and state, that Elizabeth and her immediate successors preferred to exercise the supremacy of power in making Church law which was vested in them.

But while the provision of the Great Charter, 'Quod Anglicana Ecclesia libera sit, et habeat sua jura integra et libertates suas illaesas,' had been acknowledged by the Reformation Statutes so fully, that Archbishop Parker, writing in 1572 with a view of linking the present with the past, could represent primates and metropolitans of all England as still enjoying under Elizabeth those undefined and almost arbitrary powers and privileges, which had been originally conferred upon Augustine, and had been exercised by his successors with the approval, in turn, of the princes of the Heptarchy, and the kings of the united English; that 'rerum ecclesiasticarum summa potestas,' which had been recognised by Pope Urban when he saluted Archbishop Anselm as 'the patriarch of another world'; the ideal policy of the Crown was nevertheless a despotism operating through the framework of the ancient system of ecclesiastical government (Parker, De Antiquitate Britannicae Ecclesiae 1').

Among the absolute and peculiar privileges of archbishops of Canterbury, Parker enumerates the following—The wardship of the heirs of certain nobles; exemption for the archbishop, his tenants, servants and vassals from payment of certain regular dues; the rights to crown the king, to officiate at royal marriages, and to take any offerings made in their presence by the king and queen at the altar, wherever the court might be; to consecrate archbishops of York and metropolitans of Ireland, and to receive from them professions of

Like Rufus, the Tudors were resolved that 'while they lived, equal in their realm they would not endure'; and as popes had fallen before these ecclesiastical dictators, so fell the mediaeval archbishops, the 'papae alterius orbis.'

obedience; to nominate students to be maintained and instructed at the expense of suffragans until they were fit for presentation to benefices; at the death of a suffragan to receive all his seals and his second-best, or, according to the archiepiscopal registers, his pontifical, ring; in the case of the Bishops of St. Asaph and Bangor, to receive also a palfrey saddled and bridled, and a cope with a hood for wear in wet weather; in the case of the Bishop of Rochester, to receive also his palfrey, silver cup, and pack of sporting dogs, and to have the custody of the temporalities of the see during its vacancy (Wharton, Anglia Sacra, i. 88; Parker, De Antiqu. Brit. Eccles, 40; Somner and Batteley, Canterbury, append. to supplement, No. iv, b). Cf. similar forfeitures to Crown on death of archbishops and bishops—a palfrey, gilt cup and pack of hounds from the Bishop of Norwich; a composition of twenty marks in place of the palfrey, cup and ring of a bishop of Chichester, 'which were of small value'; a silver cup, gold ring with a sapphire, and a sorrel palfrey from the executors of the Bishop of Bath and Wells; a palfrey from the executors of Archbishop Boniface (1270) (Red Book of Exchequer, Rolls Series, iii. 1040).

Among the rights which archbishops of Canterbury enjoyed in common with other metropolitans, are mentioned those of metropolitical visitation, of convoking synods, of the supervision of inferior clergy, of hearing appeals, of granting dispensations, and of consecrating suffragans. This last ceremony, unless by leave of the dean and chapter, must be performed in the cathedral church at Canterbury. 'In old days,' adds Parker, 'a bishop-elect made generous offerings at his "hallowing"; sumptuously entertained the archiepiscopal household: distributed largesse to the servants; gave forty nobles to the cross-bearer, a like amount to the marshal; and purchased his robes of the chaplain. He also gave to the archbishop a cope, and a present of one hundred pounds or marks according to the wealth or poverty of his future see. But the open-handed liberality of those spacious days has now been contracted to the very moderate fee of ten pounds to the archbishop, and the distribution of a few gratuities of very trifling value among the servants.'

'As an inland brook into the main of waters,' the state of the primates had emptied itself into that of kings. Their Church had been despoiled of great part of her once unbounded wealth; since the dissolution of religious houses and the disappearance of parliamentary abbots and priors, the spiritual peerage, which they commanded, no longer formed a majority in the House of Lords: and, with Warham and Wolsey, had come to an end that almost unbroken line of great ecclesiastical statesmen, who from the days of Dunstan had directed the policy of the Crown both at home and abroad. Within the spiritual sphere, the control over provincial convocations, which had been secured to the Crown by the Act for the Submission of the Clergy, was gradually extended, until, under James I, the chief justices and justices held that these clerical parliaments 'could not assemble at the archbishop's command without the king's writ; that after assembly they could not confer together to constitute any canons without licence del roy; that when they concluded canons, they could not execute them without royal consent; and that, even with royal consent, they could not execute such as were against the king's prerogative or the statutes or customs of the realm' (Coke's Reports, part xii, 72-73). In the words of Fuller, 'convocations were born as it were tongue-tied, until the king, by his letters patent, cut the string and allowed them to debate on matters of religion. wise what they concluded were arrows without piles. daggers without points, too blunt to pierce into the practice of others, but sharp enough to wound themselves.'

The courts spiritual also of the two provinces, though not superseded, were kept well within the paralysing influence of the royal supremacy. The revision of the canon law which had been contemplated by the Act for the Submission of the Clergy, proceeded but slowly under Henry and Edward; while the study of the canon law was forbidden at the universities, and that of civil law encouraged and endowed, in order that the attention of the rising generation might be diverted from the contemplation of a system, the fundamental principle of which was the universal supremacy of Rome, to where in the pages of Justinian they might learn that a regal papacy was no new idea. And when at length the codex of revised ecclesiastical law, known as the 'Reformatio Legum Ecclesiasticarum' was completed, Elizabeth, 'finding it,' as Burnet states, 'more for the greatness of the royal prerogative to leave that undetermined,' refused her sanction to the work, with the result that the efficacy of the ecclesiastical courts was permanently impaired by the uncertain state of the law they adminis-As to exercise of jurisdiction, the Statute of Appeals (24 Henry VIII, c. 12), which laid down the principle that all ecclesiastical causes should be determined within the realm, provided that the courts of the two archbishops should be tribunals of final appeal in all causes testamentary, causes of matrimony and divorces, rights of tithes, oblations and obventions; except in cases touching the king, where appeals lay to the Upper House of Convocation in each province: and at a later date, the constitution of a spiritual court, as a tribunal of ultimate resort in all ecclesiastical causes.

was a design of the framers of the 'Reformatio Legum,' who proposed that an appeal should lie from the archbishops to the king, and should be referred by him for final judgment either to a provincial council or to a bench of bishops (Tit. De Appellationibus, cap. 11). But the days were gone when the mediaeval principle, 'that nothing which touched the government of souls should be submitted to the judgment of laymen,' was fully realised; and the court which, though probably intended at its creation to be merely a stop-gap, exercised until 1832 the right given to the Crown by the Statute 25 Henry VIII, c. 19, to hear and finally determine appeals from the archbishops' courts, was a mixed tribunal, known as the Court of Delegates, constituted as each appeal arose, by the issue of commissions under the Great Seal to 'such persons as were named by the king.' The activity, moreover, of the ancient diocesan and provincial courts, was frequently hampered under Henry VIII and Edward VI by the issue of royal commissions of visitation and redress; and, after the reformatory and corrective powers of the Crown had been vested by Elizabeth in the Court of High Commission, by the existence of a tribunal of first instance, reaching over the whole kingdom, and possessing concurrent jurisdiction with the lower spiritual courts over spiritual offences, before which, during the eighty years of its existence, cases of heresy, doctrine, ritual, and discipline generally, were determined without appeal of any kind (Eccles. Courts. Comm. Rep., 1883; Hist. Append. I).

To complete the subjection of their primacies to the

Crown, the primates themselves, since papal confirmation of their election by the gift of a pall was no longer necessary, had become mere nominees of the Crown; but in order to veil this bare fact, the elaborate fiction of congé d'élire, accompanied by royal letters missive. now first received legal sanction (25 Henry VIII, c. 20). The Crown is in law the founder of all bishoprics; and to the Crown, as the patron and protector of its own foundations, chapters had been wont to apply, when a see fell vacant, for leave to elect. By the Great Charter, it had been provided that such elections should be free: and with due regard to this statutory freedom of choice, the congé d'élire, in which the sovereign granted the required permission ('nostram licentiam fundatoriam'), contained but a mild suggestion that some fit and loval person should be chosen ('Deo devotus, nobisque et regno nostro utilis et fidelis'). But with this had been slipped in another document, known as the letter missive, addressed to the dean and chapter, in which the sovereign 'let them weet, that he of his princely disposition and zeal was pleased to recommend such an one for the preferment.' And now the Crown under such a recommendation left as little freedom of choice to the chapter, as one would do, who, in the words of Doctor Johnson, 'should throw a man out of a two-pair of stairs window, and recommend him to fall soft'; for by the statute above-mentioned, the dean and chapter were required to elect within a specified time 'the person named in the letter-missive, and no other,' under the penalty of 'running into the daungers and peynes of the Estatute of Provision and Praemunire.'

As the Crown could make, so could it also now unmake an archbishop. Under the old régime, deprivation ' of any member of the episcopal order had been almost unknown, and, in the few cases when it occurred, had been carried out under the sanction and with the aid of the Pope. But now the sovereign by his own authority alone, as 'overlooker and head of the priests and bishops to cause them to administer their office and power committed to them purely and sincerely,' could remove them and put others in their rooms, 'should they obstinately withstand their prince's kind monitions, and would not amend their faults' (Necessary Erudition of any Christian Man). In fact, whether it be a forgery or not, the letter which Elizabeth is said to have written to a bishop of Ely who hesitated to surrender at her bidding his episcopal garden to Sir Christopher Hatton, conveniently illustrates the attitude maintained by the Tudors to their bishops: 'Proud prelate. You know what you were before I made you what you are. If you do not immediately comply with my request, by God, I will unfrock you.'

The alteration in their spiritual position, which resulted from the complete subordination of Church to Crown, had been brought home to the archbishops at the earliest opportunity in a most practical manner. In 1535, Henry delegated to Thomas Cromwell, as spiritual viceregent, all the powers of the headship; and this royal legatea-latere, 'a layman with neither birth, learning, nor

character to bear him out,' presided, either in person or by deputy, over convocation in the seat of the Primate of all England; and, in 1539, was accorded the further distinction of precedence before both Canterbury and York in the House of Peers'. To those mediaeval

In the year 1539 a new order of session was drawn up for the House of Lords, and legally sanctioned (31 Henry VIII, c. 10). According to the arrangement previously observed, the Archbishops of Canterbury and York had sat respectively, the one on the right, the other on the left, side of the Cloth of State, towards the ends of the travers; that is, at the right and left hands of the Sovereign (Fiddes; Life of Wolsey, i. 284; ii. 87; Green, Short History Illustrated, xxv. 445). Below the Cloth of State, a bench to the right of the throne was occupied by the suffragans of Canterbury; while, facing them, at the top of the bench to the left, sat the Yorkist Bishops of Durham and Carlisle, and at the lower end thereof Thomas Cromwell and Lord Audley de Walden, the Chancellor, according to the rank of their baronies (Journals of the House of Lords, May 9 and 10, 1539).

Now, by the 'Act for the placing of the Peers in the Parliament,' the King's majesty, 'though it pertained unto his prerogative royal to give such honour, reputation and placing to his counsellors and other his subjects as should be seeming to his excellent wisdom,' consented that 'no person, of what degree, estate or condition soever he might be (except the King's children), should thereafter have place at any side of the Cloth of State, neither of the one side of the King, nor of the other.' On the right side of the Parliament Chamber, upon the same form as the Archbishop of Canterbury, and above the same Archbishop and his successors, was placed Thomas Cromwell as viceregent in the Spiritualities. Next to the Archbishop and below him, were to sit the Archbishop of York, the Bishops of London, Durham, and Winchester, in the order named; and then all the other bishops of both provinces, 'according to their aincienties.' 'And forasmuche as such other personages, which have or hereafter shall happen to have other great offices of the Realme. hathe not heretofore been appointed and ordered for the placinge and sittinge in the King's most High Court of Parliament by reason of their offices,' it was ordered that the Lord Chancellor, Lord Treasurer, Lord President of the King's Council, and the Lord Privy Seal, 'being of the rank of

churchmen who had claimed, as subjects to counsel, as bishops to warn, and as spiritual fathers to chastise their sovereigns, no worthy successors could be found in Cranmer, the supple and timid creature of Henry, the man of no importance at the council-table of Edward, or

Barons of the Parliament or above, should sit on the left side of the Parliament Chamber on the higher part of the form on the same side, above all dukes except those of the blood royal.' It was further provided for by the Act, that the same four officers of State 'should be placed in the same order as above rehearsed, as well in Parliament, as in the Star-Chamber and in all other assemblies and conference of Counsell.'

'Very requisite and convenient is it in all great councils and congregations of men having sundry degrees and offices in the Commonwealth, that an order should be had and taken for the placing and sitting of such persons as be bound to resort thereto, to the intent that they, knowing their places, may use the same without displeasure and let of the Council.' Thus advisedly runs the preamble of the Statute which marks the conclusion of the whole matter of priority of session in Parliament, once so hotly contested between the two primates.

After the death of Thomas Cromwell (1540), no further appointments were made to the office of viceregent in the spiritualities; and the Archbishop of Canterbury was again left, and still remains, the first peer of the realm, taking precedence, not only before all other clergy, but also next and immediately after the blood royal, of all the nobility of the realm and all the great officers of State. The Act indeed does not expressly place him above the Lord Chancellor, but merely gives him, in the absence of a spiritual viceregent, the chief seat on the right of the throne. 'The Archbishop, however, is so placed as of dignity, and has by immemorial usage pre-eminence of the Chancellor' (Sir C. G. Young (Garter 1851), Order of Precedence, with authorities and remarks).

Nor does the Act expressly place the Chancellor in the position, which he now enjoys, of being, as it were, 'sandwiched' between the two Archbishops, and of enjoying a general right of precedence over York. As to the relative rank of northern archbishops and chancellors before the Statute, early tables of precedence drawn up in 1399, 1429, 1467, and 1479, and one set forth in the early years of the reign of

in the Elizabethan prelates 'whose actions were cumbered by the subtilty of Cecil,' whose religion was shaped as a political sovereign directed. It was not in vain that Henry had issued, as a record of his own complete victory in the same battle which his namesake and pre-

Henry VII, are silent; but, from The Journals of the House of Lords and The Records of the Privy Council, York appears to have been placed second only to Canterbury in both assemblies. The Chancellor, as such, took probably no exceptional rank there; nor is it likely that in those days of episcopal chancellors, tenure of the office would have conferred precedence over an archbishop of York upon a mere bishop, perhaps even upon one of his suffragans (Letters of Rich. III and Henry VII (Rolls Series), i. 66, 67; Proceedings of Privy Council (Harris), ii. 315; iii. 10, 45, 69; iv. 315; v. 266; Antiquarian Repertory, ii. 236). The Statute of Henry VIII, the first legislative enactment on the subject of rank, merely places the chancellor in the chief seat on the left of the throne, 'when he is of the rank of a baron of Parliament or above.' Should he be below that rank, 'by reason whereof he can have no interest to give any assent or dissent in the said House,' then he is to sit 'at the uppermost part of the sacks in the midst of the said Chamber.' It appears, however, that since in all other 'assemblies and conference of Counsell,' the chancellor, as a privy councillor, has 'an interest to assent or dissent,' whether he be of baronial rank or not, his precedence, elsewhere than in Parliament, is not lost even though he is below the degree mentioned. Elizabeth's chancellors and keepers of the Great Seal, the latter of whom enjoyed the same rank and preeminence as belonged to chancellors (5 Eliz. c. 18), though often mere knights, took precedence of dukes and lords of Parliament (Nicholls, Progresses of Queen Elisabeth, ii. 433; iii. 409; Commission for the trial of Mary, Queen of Scotland, in Camden's Elisabeth); while in the absence of the Archbishop of Canterbury, the 'Lorde Greate Seale' (Sir Nicholas Bacon) heads the list of members present at the Privy Council in 1558, 'Tharchebusshopp of York' taking but second place. The position of the Chancellor, whether of baronial rank or not, as regards the Archbishop of York, seems, however, to have remained unsettled for some considerable period after the passing of the Act. Elizabeth's chancellors and keepers of the Great Seal are usually, but not invariably, noted as

decessor had left undecided, that royal proclamation which declared St. Thomas of Canterbury 'to have been a traitor, who stubbornly resisted wholesome laws established against the enormities of the clergy, and met his death by offering insult and violence to gentlemen which

present in Parliament in the original journal book of the House of Peers, and are addressed in letters of dissolution and prorogation of Parliament, next after the Archbishop of Canterbury (D'Ewes Journal, 197, 313, 376; Journal of House of Lords, 27, 28, and 29 Elizabeth); but the same chancellors yield place on several occasions in royal processions to Parliament to archbishops of York. Thus in 'the Parliamentary pompe and stately going of Elizabeth to Westminster in the 27th year of her reign,' Thomas Bromley, Knight-Chancellor, with William Cecil, Baron of Burghley, treasurer, 'rid together,' while Edwin Sandys, Archbishop of York, walked with John Whitgift of Canterbury. The same order was observed in 1596, when Sir Thomas Egerton was Chancellor; and also in 1614, although by that date Egerton had been created Baron Ellesmere (Mills, Catalogue of Honour, 64; Nichols, Progresses of Queen Elizabeth, iii. 410; Nichols, Progresses of James, iv. 1091). Coke, indeed, states in his chapter on precedence (4th inst., 361-4), that 'having regard to the Lords and noble Peers of the realm, both the Archbishops have place above all the great officers and nobility in Parliament, council, and commissions, save in the Star-Chamber the Lord Chancellor or Lord Keeper hath the precedency of them.'

The precedence of the Lord Chancellor, when a peer, before the Archbishop of York, had become the settled order by the end of the reign of Charles I (Fellowes, Historical Sketches; Procession to Parliament, April 13, 1640; Sandford, Coronation of James II); while the question of his rank, when below the degree of a baron, is of no great moment at the present day, since a Chancellor is invariably promoted to a peerage immediately after his appointment. According to O'Flanagan (Lives of the Chancellors of Ireland), the rules of precedence observed in Ireland lay down that the Lord Chancellor of Ireland, if he be a peer, ranks in the roll of precedence in Ireland next after the Archbishop of Armagh; but if not, then the Archbishop of Dublin has precedence of him, but he ranks before the other great officers of state, judges and peers.

counselled him to leave his frowardness.' This new gloss on the story of the martyrdom, coupled with the destruction of the shrine, the images, and pictures, and the abolition of the festivals and special services of the champion of the Church, effectually deterred Anglican bishops from attempts to emulate the man, who, by his determination and death, had deferred for centuries the final settlement of the relations of Church and Crown. Against them, indeed, no monarch could now with justice bring the complaint, 'that they were but half his subjects and divided their allegiance between England and Rome,' for they vied, one with another, in proving their docility to their new masters, and in obliterating even the faintest traces of a former dependence on the papal The archbishops dropped from their titles the see. words, 'apostolicae sedis legatus,' and substituted therefor the word 'metropolitanus'; they ceased to wear palls;

¹ This change of title, which was announced by Cranmer in convocation, November 11, 1534, signified the dissolution of that ancient 'combination of the ordinary metropolitical authority with the extraordinary legatine authority, which had for ages answered its purpose, not only of giving supreme power to the Pope, but also of giving to the ordinary metropolitical jurisdiction the appearance of a delegated authority from Rome, and of substituting an adventitious source of strength for the spontaneous action of the National Church' (Stubbs, Const. Hist., iii. 32).

The distinction, now observed in public instruments, between the styles of archbishops and bishops respectively, the former using 'By Divine Providence,' the latter 'By Divine Permission,' is a modern refinement, but appears to have been introduced into the English Church by the Elizabethan archbishops. With archbishops and bishops, as well as with kings, the most ancient custom was merely to state their names and offices; e.g. 'Jaenbertus sanctae Dorovernensis Ecclesiae Archiepiscopus' (785); 'Athelhardo Archiepiscopo Alcuinus

and primates of York, in an excess of heraldic subserviency, discontinued the use of a shield practically identical with the present shield of Canterbury, whereon the emblem of papal recognition was perhaps too conspicuously salutem, etc.' (797); 'Aethelredus rex Anglorum Aelfrico Archiepiscopo' (1003); 'Cnuto rex Angliae Ailnotho metropolitano et Altrico Eboracensi' (1031) (Wilkins, Concilia, i. 151, 159, 284, 297). But presently, when their designations became more dignified, the principle of divine right, which was extended to episcopacy and royalty alike, led to the adoption of the expression 'Dei gratia.' And this style, though it is taken to import of itself as much as an assertion of being independent upon any save God Himself, and is strictly proper to supreme princes only, yet by grant or prescription was transferred to both clerical and lay subjects of greater note, Petrus de Boateriis, a lawyer who had curiously noted the use of it in the fourteenth century, ruled that a bishop should usually place the words 'Dei gratia' after his name, in spite of the example of a more excellent humility set by the supreme pontiff, who styles himself 'Servus servorum Dei': but that in addressing popes, emperors and kings he should substitute therefor some such expression as 'Talis licet indignus vel immerens episcopus'; and finally, that so exalted a style should not be assumed by ecclesiastics of inferior rank, nor by any layman who had not received unction; its use by dukes, marquises and counts, being an error attributable to the ignorance of their secretaries, rather than to the directions of such nobles themselves,

During the twelfth century 'Dei gratia' was commonly used by both ranks of the episcopacy; but from the middle of the thirteenth century the following distinction was made, that while the old style was retained in documents which were addressed to, or which made mention of, a prelate, 'permissione divina' was the form usually employed when the instrument proceeded from the prelate and ran in his name (Wilkins, Concilia, ii, 20, 24, 25, 97, 128, 239, 240, 560, 678; iii, 265, 619, 658). Under the Tudors the style 'Dei gratia' was 'of much modesty dropped,' but still survives in parliamentary summons, and writs to assemble and prorogue convocations, addressed to the archbishops; e.g. 'Victoria, by the grace of God, etc., to the most reverend Father in God, etc., by the same grace Archbishop of Canterbury.'

In or about the year 1567 the archbishops appear to have ex-

emblazoned, and confined themselves to the display of the present arms of the metropolitical see 1. For better and for worse they had surrendered the position of awe and dignity occupied by their predecessors as chief

changed the style 'Divina permissione' for the present archiepiscopal style 'Divina providentia' (Wilkins, Concilia, iv, 224, 230, 252, 272, 285, 325; Trevor, Convocations of Two Provinces, 113, 117, 178, 183, 187, 193). But the latter does not appear to have been intended originally as a distinctive style, for in 1622, 1632, and even as late as 1688, Bishops of London made use of it (Gibson, Codex, 1478, 1476, 1474, 1479). At length, however, the more dignified expression was appropriated by the archbishops, and the bishops retained the common formula, except in a very few instances where accident or assumption communicated to the inferior grade the style which consent had assigned to the superior. In the see of Dromore (now annexed to Down and Connor) the bishop used to style himself 'by divine providence,' for which a patent of James I is cited as a precedent. Bishops of Meath also indulged in the archiepiscopal style, probably as having precedence of other Irish bishops; and for a like reason the Bishop of Durham, who is the chief suffragan of the northern province, still makes use of the same style as his metropolitan of York (Trevor, Convocations of Two Provinces, p. 190; William Reeves, Archbishop Colton's Visitation, pp. 89-93; Selden, Titles of Honour (1672), 1st Part, chap. vii. 89, 90).

¹ The usual insignia of archbishops of York down to the period of the Reformation appear to have been identical with those still used by the archbishops of Canterbury, Armagh, and Dublin, viz., azure, an episcopal staff in pale, or, and ensigned with a cross patèe, argent, surmounted by a pall of the last, edged and fringed of the second, charged with four crosses formées, fitchées, sable—a coat which first appears on a seal of Archbishop Islip, 1349—1366 (Catalog. of Seals, Brit. Museum). Occasionally, as on the seals of Archbishop Waldby (1397) and of Archbishop Lee (1531), the pall displayed by northern primates is charged with five instead of four crosses, and this difference may have formed a distinction between the arms of York and Canterbury, as it does in the parallel case of Dublin and Armagh. The present arms of the metropolitical see of York, emblematic of St. Peter, to whom the minster is dedicated—viz., gules, two keys in saltire, argent, in chief a crown royal, or,—have been used since the

officers of the head of an universal Church, the communis pater of a Christian world, and had accepted in its stead that of lieutenants in the spiritual department of government in England, holding their office during good behaviour.

They had become 'king's men,' ready to work their sovereign's will, whatever it might be. They saw that on the preservation of the Tudor theory of the kingship now depended the safety of their privileges; and although, even after the title 'Supreme Head' and the

time of Archbishop Waldby; but with this difference, that until the close of the sixteenth century a papal tiara appeared in place of the modern royal crown. This shape is found on the seal of Waldby for his lordship of Hexham (1397), while he retains the pall and pastoral staff with his personal arms. A seal of Archbishop Bowet (1407-1423) bears the present arms, although in a window of York Cathedral, apparently contemporary with that prelate, the pall and pastoral staff are impaled with his personal arms. On the tomb of Archbishop Savage (1507), his arms are impaled with both the old and the present arms of the see. In the parliament roll of 1515, the present arms are impaled by Wolsey; but still later, on the seal of his successor Lee (1531-1544) are arms identical with those of Canterbury, except for the slight distinction in the number of crosses already mentioned (Notes and Queries, first series, viii. 34, 233, 302; Gentleman's Magazine, 1839, p. 234; John Woodward, Eccles. Heraldry). Lee, however, was the last of the archbishops of York who displayed the pall and pastoral staff: and the dislike of a shield, whereon the principal charge was a symbol of that obedience which had formerly been paid to Rome, seems to have been felt for a time by archbishops of Canterbury also; Matthew Parker (1559-1575) and his successor Grindal, on several occasions, impaling with their personal arms the arms of the deanery, and not of the see of Canterbury (Proceedings of Society of Antiquaries of London, second series, vol. vi, no. iii. 265).

The royal crown in the present shield of York, superseding the papal tiara, first appears on the tomb of John Piers, Archbishop of York (1588) (Drake, Eboracum, 457).

sacerdotal character which had been assumed by Henry, had been disclaimed by Elizabeth, the ecclesiastical supremacy of the masterful Queen and her successor, as 'Supreme Governors of the Church,' amounted to a tyranny, the primates wedded Church to Crown, with that 'funesta dote d'infiniti guai,' the duty of maintaining the royal prerogative according to the tradition of the Tudors, as a portion.

They championed, therefore, that supremacy of power in making and administering Church-law, which had been vested in the Crown by the great Reformation statutes, against those who, like Cartwright and Allen, would argue that princes, being civil magistrates, 'had no more lawful means to give orders in spiritual matters to the Church and clergy than to make laws for the hierarchies of angels in heaven'; and when the country, relieved from all fear of invasion by the destruction of the Armada, began to chafe against an absolute monarchy, they preached that the sovereign must still preside in the fulness of his power as 'head of the body politic, under whom the ecclesiastical and civil regiments should humbly work as hands of government, the one for dispensing spiritual affairs, the other dealing in affairs of state' (Andrewes, Sermons II, ii. 32, Library of Anglo-Catholic Theology). Any attempts of the temporalty to encroach upon the spiritual domain were keenly resented. 'Notwithstanding the charge, of late given by your Highness to the lower House of Parliament, not to deal in causes of the Church, but first to receive them of the clergy, yet,' complained Archbishop Whitgift to Elizabeth, 'they have passed a bill in that House touching the admission of meet men in the ministry, and another giving liberty to marry at all times of the year without restraint, contrary to the old canons continually observed among us; and they have also on hand a bill concerning ecclesiastical courts and visitation by bishops.' Under the divinely-instituted supervision of the sovereign were to lie convocation and ecclesiastical court; to the supreme governor of the Church alone were they to be answerable. The canons of 1604 asserted the authority of convocation, when acting with his Majesty's supreme sanction, to legislate for the realm in causes ecclesiastical; and in the 'Articuli Cleri' which he had exhibited to the Privy Council in 1605, Bancroft, again putting forward the royal supremacy as a shield of defence, attempted to vindicate the independence of the spiritual courts from any interference from their lay rivals. 'We supposed,' he pleaded, 'that all jurisdiction, ecclesiastical and temporal, being now united "de facto" as well as "de jure" in the Crown, his highness had been held to have had sufficient authority in himself, with the assistance of his council, to judge what was amiss in either of his jurisdictions, and to have reformed the same accordingly. humour of the time is grown too eager against all ecclesiastical jurisdiction'; and the Archbishop proceeded to argue that the attempts of the temporal judges. made under colour of authority to interpret all statutes, to bring causes properly ecclesiastical under temporal cognizance, the indiscriminate issue of prohibitions against spiritual jurisdiction, and the attacks made by the commons and common-law judges upon spiritual courts generally, including the High Commission, were 'so many inroads made upon the royal prerogative and his Majesty's authority in causes ecclesiastical.' With the government of the Church the temporalty had no right to meddle. To quote the words of James himself: 'That was king's craft. Tractent fabrilia fabri.'

Submission to the supremacy of the Crown, but freedom of control from parliament and civil law-court, such were 'the clavi trabales, the nails fastened by these masters of assemblies,' to underpin the Anglican Church against the attack of Papist, Puritan and Parliament.

As 'tools of the prerogative,' they preserved the shadow of independence which had been left to them; and no archbishop since the days of Augustine had wielded an authority so vast, and in appearance so utterly despotic, as did Archbishops Parker, Whitgift, Bancroft and Abbot. It is clear that what with Henry VIII amounted to a resolution to maintain the authority, which he had gained over the Church, in independence of parliament, had developed with Elizabeth and her immediate successors into the express determination to exclude parliament, as far as was possible, from dealing with spiritual affairs, and to exercise their supremacy, in legislation with the aid, if not always with the authority, of convocation. and in judicature by the Court of High Commission. And in both convocation and ecclesiastical commission the influence of primates and bishops was predominant.

After the dissolution of religious houses and the dis-

appearance of abbots and priors, they had been left masters of convocation; indeed it may well be that the Reformation bishops, remembering the various insults and slights which their order had sustained in the past from exempt monastic institutions, and looking forward to the increase of their own influence which would result from the removal of such rivals, found in the suppression and misfortunes of their fellow-churchmen something which was not altogether displeasing to them (Annals of St. Alban's (Rolls Series), i. 55).

At any rate, from the year 1536 to 1603, the powers of convocation in the province of York 1, except for financial

1 In the north, clergy and laity alike were, from the first, less inclined than the more pliable southerners to accept the changes of the Reformation. In the year 1531 convocation of York, especially the lower house thereof, was 'very loath to comply with the King's claim to the supreme headship of the Church, and stood stiffly upon its spiritual jurisdiction.' In the upper house, Tunstall, Bishop of Durham, entered a protest against the supremacy of any temporal man in spiritual matters: and two years later, so sturdily opposed the royal divorce, that 'could the King have found another man competent to govern the county adjoining Scotland, he would have been put in prison' (State Papers, Domestic, 1533, no. 653). Archbishop Lee's opinions on both subjects were considered unsound. His excuse that many of his clergy could scarce perceive the meaning of the King's new title, 'benefices being so exile, of £4 5s. 6d. a year, that no learned man would take them,' his famous sermon in York Minster on the text 'Uxorem duxi, et ideo non possum venire,' setting forth the King's title concerning the matrimony, and his refusal of the Pope's jurisdiction, but poorly satisfied the court. In view of the unpopularity of the King's proceedings, and the possibility of an opposition being formed in parliament with the support of the Emperor, the attendance of these prelates in the House of Lords was countermanded at the commencement of the year 1534; and both were in some danger of following More and Fisher to the Tower for their reluctance to take

purposes, were kept practically in abeyance; and the views of the northern clergy upon changes of Church doctrine and Church government were left unrepresented, except so far as they may have been expressed by the northern archbishop and bishops, either as members of the House of Lords, or as present on some few occasions in the Convocation of Canterbury; and although, from 1603 onward, the right of the lower clergy to be consulted on such matters was recognised, York had become by that time, in the words of Fuller, 'but the hand of the dial, moving or pointing as directed by the clock of the province of Canterbury.'

the oaths to the Act of Succession (State Papers, Domestic (1534), 121 and 522). Nor was a visitation conducted by Legh and Layton, early in 1536, successful 'in beating the King's authority into the heads of the rude people of the north, and assuring them that His Grace, as supreme head, intended nothing else than reformation and correction of religion' (Strype, E. M., i. 1, 384). On the contrary, this stubborn race refused to believe that the wealth of religious houses, which had been expended in maintaining sea-dykes and walls, bridges and highways, in supplying 'worldly refreshing' and 'spiritual refuge,' would be better bestowed when it was withdrawn from the province and placed at the disposal of the King (Aske, Statement). The Pilgrimage of Grace followed hard upon the suppression of the smaller monasteries; and the clergy of the north, in a convocation holden in Pomfret Castle during the rebellion, denied the royal supremacy, and asserted that by the law of the Church and the consent of Christian people, the Pope of Rome was head of the Church and vicar of Christ: condemned the punishment of clergy by temporal powers, the violation of sanctuary, and the levy by the Crown of tenths and first-fruits; upheld papal dispensations, the doctrine of purgatory, worshipping of saints, and pilgrimages; and declared that lands given to God, the Church, or religious men, ought not to be taken away and diverted to profane uses (Strype, E. M., i. 2, 266).

In the face of such opinions Henry for the future gained the nominal consent of the northern province to his measures, by securing the In the southern province the lower clergy were indeed treated with more consideration; but, even here, the archbishop and bishops had acquired an ascendancy quite apart from that which had always belonged to them as absolute directors of synodical business. For, though convocation, as a body, was consulted on many occasions by Henry and Edward, it was not as being a co-ordinate authority with the Crown, but as a group of canonists and theologians, interested in the ecclesiastical problems of the day, and well qualified to advise thereon. Its canon-making powers were kept in abeyance; and in the meanwhile the primate and many of

attendance of the Yorkist bishops and certain select divines at southern convocations and committees, and for a time the strong hand of the Tudor crushed provincial differences into the semblance of national unity. A list of signatures to the 'Articles devised by the King's Majesty to stablish Christian quietness and unity,' assented to in the southern synod of 1536, is headed by those of Thomas Cromwell, the Archbishops of Canterbury and York, and the Bishops of London and Durham, in the order named. Cromwell, Cranmer, Lee, Stokesley, and Tunstal, signed the 'Declaration made of the functions and divine institution of Bishops and Priests.' In 1537, after the bishops and some of the clergy of the northern province had attended Convocation of Canterbury, the 'Preface to the Institution of a Christian man' was attested by the hands of 'His Highness' most humble servants and daily bedesmen,' the Archbishop of Canterbury and his suffragans, and then the Archbishop of York and the Bishops of Durham and Carlisle; while among the signatures of the inferior clergy appear those of the Archdeacons of Richmond and Nottingham. In obedience to the King's commission to prelates, archdeacons, and the whole clergy, that they should come together 'in synodum universalem,' the northern archbishop brought his bishops and a considerable number of archdeacons and proctors to the national synod which, in 1540, tried the validity of the King's marriage with Anne of Cleves; and, in the following year, he and his bishops were members of the commission

the bishops were acting as leading members of those committees of divines who drew up service books and expositions of faith, to be published by royal authority; or themselves, in company with 'certain Doctors of Divinity appointed either by the King or the whole

to try heretical causes, and of the committee which revised 'The necessary Doctrine and Erudition for any Christian man'; and, a few years later, the same prelates assisted in drawing up the order for administering the Eucharist in English, and took part in the work of amending the translation of the Scriptures (Wilkins, Concilia, iii. 817, 831, 850; Collier, Eccles. Hist., ii. 184, 188).

The feeling of the north was unchanged at the accession of Elizabeth, and was displayed in 1569, when the Earls of Westmorland and Northumberland rose in arms 'to restore the Catholic religion and the ancient freedom and liberties of the Church.' The Protestants, who took the place of Heath of York, Scott of Chester, Oglethorpe of Carlisle, and Tunstal of Durham, made little progress in winning the affections of their respective flocks. Grindal, at York, found 'three evil qualities in his people; great ignorance, much dulness to receive better instruction, and great stiffness to retain wonted errors.' Best found the prebendaries of Carlisle Cathedral to be 'all ignorant priests, or old unlearned monks, put in at the dissolution of the monasteries. He himself met with very ill dealings in that country replenished with Papists'; while, at Durham, Bishop Pilkington admitted that he 'had fallen into such displeasure with his flock, part for religion and part for ministering the oath of the Queen's supremacy, that he knew not whether they liked him worse, or he them' (Strype). In Cheshire and Lancashire the Prayer Book was laid aside and mass commonly said; while newly-appointed preachers were left to address themselves to empty benches; or, if some few came to church in order to avoid the fines which were inflicted for non-attendance, they stopped their ears with wool lest they should hear heretical doctrine (State Papers, Domestic, 1591-4, p. 158). Under these circumstances, Convocation of York was summoned for financial purposes only. It met only to be told when it should meet again. The Queen's writ was read; names were called over; and absent members pronounced contumacious. Then, after voting the

clergy of England,' were making, with the Royal confirmation, binding decrees upon matters of Christian religion and the rites and ceremonies of the same (32 Henry VIII. c. 26). Consequently the Marian Bishops,

subsidy, nothing more was done; and the session consisted of prorogations. In some few cases prelates of the north were present when important measures were debated and concluded in the province of Canterbury. In 1561, Archbishop Young attended a synod of bishops at Lambeth which drew up eleven temporary Articles of Religion. The Thirty-nine Articles were subscribed by the Archbishop of York, and the Bishops of Durham and Chester; and in 1571 the canons, adopted by the upper house of the southern synod, were signed by proxies on behalf of Archbishop Grindal and the Bishop of Durham, and by the Bishop of Chester in person (Strype, Annals, i. 1, 487; Parker, ii. 60). In the case of the canons of 1597, the consent of the northern province seems to have been taken for granted; for, after being confirmed by the Queen, they were published under the great seal to be observed in both provinces.

In the same way, the canons of 1603 were extended by royal prerogative to the province of York; but, upon application to the crown, license was subsequently granted for the clergy of York to consider and synodically adopt them, and the canons were accordingly debated and passed with every mark of independent authority (1606). A similar course was followed in 1640. At the review of the Liturgy in 1661, the Archbishop of York and the Bishops of Durham and Chester were among the prelates attendant in Convocation of Canterbury. The Prayer Book of 1662 was, however, submitted for review to the northern clergy: but, the time being short, they were requested to send up a proxy 'for their whole house' to some members of the southern convocation. This was accordingly done; and the instrument, while reserving the rights, liberties and privileges of the province and the honour and dignity of the Church of York, empowered the proctors named therein to consent to all which should be decreed in Convocation of Canterbury concerning the matter in hand. The two provinces having thus consulted together and completed the review, the Convocation again separated, and subscribed in a distinct capacity, as provincial synods (Trevor, Convocations of the Two Provinces, 90-93).

'few in number though they were, carried it with no small degree of loftiness towards the clergy.' 'If ye saw them,' wrote the Dean of Wells, 'how slavely and bondly they handle the clergy in their Convocation House, ye would say they were the Pope's right-shapen sons. For whereas there sitteth but seven or eight linen-wearing bishops at the table in the Convocation House, if there be threescore Pastors and Elders, they are wool-wearers (he meaneth like so many meek sheep). As long as they tarry in the Bishops' Convocation House, so long must they stand before their lords, though it be two or three hours; yea, and be the weather never so cold, or the men never so sickly, bareheaded' (Strype, Eccles. Mem. iii. pt. i, 76).

Nor was the tendency of events in the early critical years of Elizabeth's reign such as to narrow the gulf thus fixed between the two houses; for the Queen, after securing from the legislature recognition of the Reformed Church and of the royal supremacy, allowed no further interference by parliament in ecclesiastical matters, and at the same time would neither 'animate the Romanism' of convocation in 1559, nor tolerate 'its Puritan newfangleness' in 1562, but governed the Church by the advice of her council through the medium of the episcopal The bishops, in fact, were used as scapegoats to bear the odium of enforcing a conformity which Elizabeth deemed it impolitic to support openly; and thus such repressive measures, as the articles of 1560 for unity of doctrine, which were 'directed against Popishly affected priests,' Archbishop Parker's adver-

tisements for enforcing uniformity of apparel and administration of the Sacrament, the canons of 1571. and Whitgift's articles of 1583, from all of which she withheld any more formal ratification than mere verbal approval, were allowed to owe apparently both their origin and efficacy to the authority of the Primates (Neal, Hist. of Puritans, i. 397). And where the prelates led, the lower clergy were forced to follow. Articles of Religion had been unanimously signed by the upper house of convocation, they were driven through the lower by threat of expulsion against any who would withhold subscription. The canons of 1571. which are described as 'made by the Archbishops and Bishops,' but which had neither the consent of the lower clergy nor the formal ratification of the Crown, were indeed, Archbishop Grindal 'did not at first care to go upon such uncertainties.' 'He doubted whether such canons had vigorem legis, unless they had been concluded in synod and sanctioned by Her Majesty's consent in writing. Fine words,' he added, 'fly away as wind, and will not serve us in a case of praemunire.' But, in the end, he and his provincial bishops signed them, and proceeded according to them in what concerned the clergy in their respective dioceses (Strype, Parker, ii. 60).

As in convocation, so in the Court of High Commission, the Church was at the mercy of an episcopal bureaucracy. The large number of civilians on the board of this permanent tribunal, which now wielded the

almost unlimited powers of the Crown in ecclesiastical matters, 'might indeed have seemed to furnish some security against the excess of ecclesiastical tyranny; but of its forty-four commissioners few actually took any part in its proceedings; and the powers of the Commission were practically left in the hands of successive primates' (Green, Short History). To the Nonconformists, indeed, the archbishops appeared to be 'papae alterius orbis'; and although they had in fact lost the substance, and held but the semblance, of spiritual independence, upon them were visited the sins of the Supreme Governors of the Church. Elizabeth might 'fume and chide' Parker for sufferance of varieties and novelties in clerical dress, and might suspend his successor, Edmund Grindal, when he refused to suppress the meetings for clerical discussion, known as 'the prophesyings.' Archbishop Whitgift might be compelled to recall the Lambeth Articles, and be 'shrewdly shent' and rebuked for deciding 'matters tender and dangerous to weak and ignorant minds' without obtaining the royal sanction. But, though the whole bench of bishops trembled at the look of her, 'the Queen could do no wrong.' To the primates was given the unwelcome credit for all repressive measures directed against the Puritans; and against Parker, 'the Pope of Lambeth,' who troubled the Church with 'the piping of organs, trowling of Psalms from one side the choir to another, with the squeaking of chanting choristers, with square caps and surplices, those relics of the Amorites,' was directed all the fury of the 'irritable precisians' during the vestiarian

And later, when it became clear that the controversy. Puritans differed, not only in a ceremony or an organpipe, but that their grievances were of a superior allov. and were aimed against the whole system of the Anglican Church, it was upon John Whitgift, the 'Canterbury tyrant,' who drew up articles enforcing subscription by the clergy to the supremacy of the Crown, to the Prayer Book and the Thirty-nine Articles; who drafted interrogatories, 'savouring of the Romish Inquisition,' to be administered to Nonconformist suspects, that all the abuse of the Mar-prelate libels was poured; upon 'John Kankerbury, the persecuting paltri-politan,' upon the 'shameless wainscot-faced prelates,' and upon 'the right puissant poisonous priests and horned monsters of the Conspiration House, the House of Devils, and of Baalzebub of Canterbury, the chief of the Devils.'

As advocates of an advanced prerogative, and as agents for 'maintaining one doctrine, one discipline, one religion in substance and in ceremony, and for harrying out of the realm such as would not conform thereto,' the archbishops drove parliament into the arms of the Puritans, and brought about that alliance which was destined to sweep away the whole system of Church government.

With the promotion of William Laud from the deanery of Gloucester to the see of St. David (1621), from St. David's to Bath and Wells (1626), and thence to London (1628), the antagonism between temporalty and spiritualty grew rapidly more acute. The policy of this new ecclesiastical adviser of the Crown was indeed

that which had been followed by Parker, Whitgift, and Bancroft, but was now more clearly marked, for it was pursued by a stronger man, with the encouragement of a more sympathetic king, and in opposition to more active enemies. 'His heart,' writes Clarendon, 'was set upon the advancement of the Church, in which he well knew he had the King's full concurrence; and this he thought would be too powerful for any opposition that might be raised against him.'

Laud was in fact master, where his predecessors had been mere ministers. In his own words, 'God, Church, and King; that is, God, His Spouse, and His Lieutenant upon earth were so closely allied that no man could serve any one of them truly, but he served all three; and men that did not wink must see that those who would overthrow the seats of ecclesiastical government. would not hesitate, if ever they got the power, to pluck at the throne of David also' (Works, i. 79, 83, Library of Anglo-Catholic Theology). The enemies of one were the enemies of both; and, in return for the services rendered by the Archbishop in teaching the State to respect the prerogative of the Crown, the Crown placed the almost unlimited powers of that prerogative in ecclesiastical government at the disposal of the Archbishop, that he might use them 'to reduce the Church into order, to uphold the external worship of God, and to settle her according to the rules of her first Reformation' (Works, vi. 42). A union of forces was concluded. such as that which had been announced, centuries before, in the words of West-Saxon Edgar to his

primates Dunstan and Oswald; 'I hold in my hands the sword of Constantine, you that of Peter. Let us join sword to sword, and cast out the evil-doers, that the sanctuary may be purged, and the sons of Levi minister in the Temple.' With the spiritual sword in his hand, the temporal wielded in his behalf and under his direction, Laud proceeded to establish the reformed Church of England on a Catholic basis, 'that she might be a shelter, to which the neighbouring churches could safely resort when storms should fall upon them'; to maintain an episcopal form of government, which he held to be of divine and apostolical institution; to insist that her system of doctrine, as it appeared to him to have been laid down in the Prayer Book and Articles of Religion, should be set up as a standard of faith; and to enforce a ceremonial of worship, either actually at the time allowed in the Church of England, or for which there was good precedent in ancient ritual.

And this work of building up the Church, of erecting her system of 'doctrine and discipline, those walls and towers of defence against her enemies,' must of necessity be the work of churchmen. Laud indeed recognised the absolute power which resided in the sovereign and parliament, 'to make any law they pleased, and, if they thought fit, even to change religion, Christianity into Turkism.' But he drew a distinction between what the supreme power could hinder or permit, and what it could do. When the Christian religion was embraced by any nation, the civil power was fully instructed in the rudiments of it. Magistrates and senates plainly

saw its system of doctrine and discipline. They saw the subordination of bishops, priests, and deacons; that they had certain powers and employments different from the laity; that the bishops were consecrated and set apart for that office by those of their own order; that the presbyters and deacons were differently set apart, always by the bishops; that none but ecclesiastics presumed to pray and preach in places set apart for God's worship, and to administer the Lord's Supper; and that all questions relating to doctrine and discipline were determined in ecclesiastical conventions. These and the like doctrines and practices, being most of them directly proved, and the rest, by very fair consequence, deduced from the words of our Saviour and the Apostles, were accepted as a divine law, and therefore as unalterable, by every prince and state which admitted the Christian religion. And, therefore, although the supreme power might hinder the clergy from making any new canons or executing the old; from consecrating bishops, or refuse those they did consecrate; or in short from performing any ecclesiastical office, as they could from eating and drinking and sleeping; yet they could not themselves perform these offices, which had been assigned by our Saviour and his Apostles to the clergy; or, if they did, it was not by divine institution, and consequently void (Swift, Remarks on a Book).

Under the regulative authority of the Royal Supremacy, therefore, not as being the source of spiritual jurisdiction, but as licensing and enforcing the employment of it, the Church was to enjoy self-government. 'Our being

bishops by divine right takes nothing from the King's power over us,' said Laud. 'For though our office be from God and Christ immediately, yet may we not exercise that power either of order or jurisdiction, but as God appointed us, that is, not in His Majesty's or any Christian king's dominion, but by and under the power of the King given us so to do.' Subject thereto then, 'Churchmen, and none but Churchmen, were to do public Church work, according to their calling and their warrant: though Churchmen should not be so proud, but that, if any lay religious man of larger comprehensions than themselves should offer in private any help to them, they should lend a willing ear to it, and after, with prudent consideration, do what was fit' (Works, vi. 43, 97). And that there might be no 'palsy in religion,' the legislative and executive systems of the Church were to be restored to full vigour. Ecclesiastical courts were to be reformed and rescued from the contempt into which they had been brought: such ecclesiastical offences as were very heinous, either from the crime itself or the persons who committed it being too great or too wilful to be ruled by the inferior jurisdictions, being reserved for the Court of High Commission. As for convocation, by the ordinance of Christ, and by continual course and practice recognised by Magna Charta, the Church had power to determine matters of doctrine and discipline; and when the clergy submitted themselves in the time of Henry VIII, the submission was so made that if any difference, doctrinal or otherwise, fell in the Church, the King and bishops were to be judges of it in a national synod or convocation, the King first giving licence under his broad seal to handle the points in dispute (*Works*, vi. 245; Declaration of Charles I prefixed to the Articles of Religion, 1628).

Such, in the opinion of Laud, was the imperium in imperio of the Church, which primates were to govern. At the moment when, on the death of the reactionary Archbishop Abbot in 1633, he became Primate of all England, and found himself free to put his theories into practice without hindrance from any superior, the country, according to Clarendon, 'was in a state of great ease and tranquillity, the general temper and humour of it little inclined to Papist, and less to Puritan. The Church was not repined at, nor the least inclination shewn to alter the government or the discipline thereof, or to change the doctrine; nor was there any considerable number of persons of any valuable condition throughout the kingdom which did wish either.' And the cause of the prodigious change which was brought about in so few years is probably to be found, not so much in the full realization of the Archbishop's views with regard to the privileges and duties of the Church, as in the instruments he used for effecting that realization. That, under his rough and impatient directions, spiritual discipline, exercised by the Church as a guardian of morals over both clergy and laity, 'was felt as well as spoken of, and was applied to the greatest and most splendid transgressors, as well as to the punishment of smaller offences and of meaner offenders,' would ordinarily have gained for an archbishop and the Church which he guided, if not popularity, at least respect. The crusade which he relentlessly conducted against Puritan Nonconformists, 'in reducing the Church into order that had been so long neglected, and was so ill-filled by many weak and more wilful Churchmen,' would not by itself have caused any general ill-feeling towards the author of it; for the idea of religious toleration had not been yet originated, and religious persecution was in accordance with all known precedents. But when the Church had enlisted herself in the service of the Crown, her efficiency found little favour. When the Primate of all England, to gain his ends, employed not only such authority as was inherent in his archiepiscopal office. but also the arbitrary powers of the Royal Supremacy: when he kept watch over the uniformity of the Church and the morals of the nation in a tribunal, against which was directed the growing impatience of that strong central administrative government which had been erected by the Tudors; his system of 'Thorough' in the spiritual was associated with Wentworth's system of 'Thorough' in the temporal sphere of government: the enemies of the one became the enemies of both: and Laud followed Strafford to the scaffold on Tower Hill.

The crisis came in the year 1640, when convocation, usually beginning and ending with parliament, continued to sit after the Short Parliament had been dissolved, which the most eminent lawyers then at court thought it had a right to do; made canons; and, fol-

lowing a precedent in Whitgift's time (1586), granted a subsidy, under the name of a 'benevolence' (Strype, Whitgift, i. 497, 498); 'in a word, did many things which in the best of times might have been questioned, and therefore were sure to be condemned in the worst.' For long the traditional jealousy between the commons and convocation had been growing in intensity. When the latter body, in 1604, drew up a set of 141 canons, and pronounced excommunication as the penalty due to any 'who should affirm that the synod of the nation, by the King's authority assembled, was not the true Church by representation; or should assert that no person, clerical or lav. not being particularly assembled in the said synod, was to be bound by its decrees in causes ecclesiastical, made and ratified by the King's authority'; the commons made vain efforts to secure the passage of a bill to restrain the execution of canons not confirmed by The attempts of James I to effect cooperation between the two bodies failed, owing to the refusal of the commons to make a new precedent in order to confer with convocation, and to the openlyexpressed mislike of the clergy that the commons should deal in any matter of religious or ecclesiastical reform; 'rough speaking' in the one house was answered by expressions of 'great scorn and scandal' in the other; and the only voluntary suggestion, made by a member of the commons during the reign, that the clergy should be invited to co-operate with them in any business, is to be found in the quaint motion, brought forward by Sir John Walter, during a debate on patents

and monopolies, 'to send to the Convocation House to draw a curse against all such impositions' (*Eccles. Comm. Report*, 1883, App. v.).

Since then, no attempts had been made to secure any joint working; and no technical justification of the synodical proceedings of 1640 could stay the complete and disastrous alienation which followed between Church and parliament; for the prolonged existence of the spiritual assembly, and the unsanctioned grant of money which it had made to the King, accentuated the distinction, already sharp enough, between clergy and laity. And further, the canons proclaiming 'the Divine commission of the most sacred order of kings to rule all persons, ecclesiastical and civil, to govern God's Church and to call and dissolve councils, national and provincial, in independence of any co-active power, papal or popular,' and enjoining on subjects the duty of nonresistance; those which followed, attacking sectaries, and countenancing, though not commanding, certain additionals in point of ceremonies; and lastly, the canon which imposed on members of universities, candidates for ordination, and others, the famous oath of allegiance to the government of the Church by archbishops, bishops, deans, archdeacons, 'et cetera'; all tended to inflame patriot and puritan, and 'to draw upon the whole body of the clergy the same prejudice to which before only some few clergy were exposed.'

The storm broke when the Long Parliament met in the autumn of the year 1640.

On December 15, the commons resolved that the

clergy of England, convented in any convocation, or synod, or otherwise, had no power to make any constitutions, canons, or acts whatsoever in matters of doctrine, discipline or otherwise, to bind the clergy or laity of the land, without common consent of Parliament'; and that the canons agreed upon with his Majesty's licence in the late convocation did not bind the clergy or laity. This they followed up, on Dec. 16, by a resolution 'that the canons contained matters contrary to the King's prerogative, the fundamental laws and statutes of the realm, the right of parliaments, and property and life of subjects, and were therefore void; and that the several grants of the benevolence, made in the several synods held at London and York, were contrary to the laws, and ought not to bind the clergy.'

On Dec. 18, the Archbishop was impeached of high treason and other high crimes and misdemeanors. 'He had laboured that the external worship of God might be preserved, and that with as much decency and uniformity as might be, being of opinion that unity could not long continue in the Church, where uniformity was shut out at the Church door'; and, as though such decent reverence could not be upheld without bringing in of popery, the 'brain-sick jealousy' of the non-conformists, the outcome of a century of persecution, laid to his charge that he had striven to reconcile England to Rome, to create division between her and the reformed Churches of the Continent, to subvert the established religion and to introduce Popish and super-

stitious ceremonies. He had been the chief advocate of that royal absolutism of which the country was now weary; 'he had endeavoured to introduce an arbitrary system of government, to destroy parliaments, and to advance the power of the council-chamber, the canons of the Church, and the royal prerogative above the laws and customs of the realm.' For long the Commonwealth had been claiming to undertake the responsibility of its own government, ecclesiastical as well as secular, and to share with the Crown the guardianship of the reformed religion. The commons saw danger in leaving the vast powers of the ecclesiastical supremacy any longer in the hands of the sovereign alone; those powers in virtue of which primates, now that the old symbols of doctrine were gone, and the lawyers had not yet stept in to define the limits of the new, were creating their own tests at the commission-board at Lambeth, and were publishing canons 'to be diligently kept by all subjects of the realm' (Ratification of Canons by Elizabeth, 1597—Atterbury, Append. 602; by James and Charles-Cardwell, Synod, i, 329, 414). Since the abolition of papal supremacy, the Crown had claimed that the right to check the action of the archbishops in convocation and court was part of the royal prerogative; and even in the days of Elizabeth, who, like the Conqueror, knew well 'how to tame her clerks,' suggestions had been made by opponents of episcopacy, that the country had thrown off obedience to Rome only to set up a pope at Canterbury. 'Make you popes, who list; for we will make you none,' had been the reply of

Peter Wentworth to Archbishop Parker, when the latter demanded that the commons should refer matters of religion to the decision of the clergy. And now, when for the last seven years Laud had been 'king, and more than king' in the spiritual sphere, when he had acted practically as sole law-giver and judge to the Church, and had done according to his will in ecclesiastical government without the possibility of receiving a check from either parliament or convocation, it was not surprising that the last of the great primates should be accused 'of having assumed a papal and tyrannical power,' and set himself up as a 'caput sacerdotale,' a 'papa alterius orbis.' He had 'forced prelates and clergy to subscribe to the late canons'; his censorship of the press recalled the 'Index Expurgatorius'; the Ecclesiastical Commission, under his presidency, had rivalled the Romish Inquisition. His manner, as well as his methods, told against him, for 'he had courted persons too little, and had never troubled to make his plans appear as candid as they were; neither could he ever debate anything without commotion, nor bear contradiction with patience and temper'; and had appeared to many to claim infallibility for himself and his judgments. 'If pope or patriarch there must be,' said Sir Edward Deering, in the parliament of 1641, then this I resolve upon for my own choice; I had rather serve one as far off as Tiber, than to have him come as near as Thames. "Procul al Jove, procul a fulmine."

Laud 'had put it to the touch to win or lose it all.'

He had lost: and it was now the hour of the powers of After the Primate, the next order in the Puritanism. hierarchy must be dealt with; agitators of the 'root and branch' party were at work; and soon there poured in from Bedfordshire and Warwickshire, petitions for Church reform; from London, Kent, and the county of Gloucester, petitions for the abolition of the government of archbishops, bishops, deans, and archdeacons, with all its dependencies, roots, and branches. As, in the days of Tertullian, the cry 'Christiani ad leones' had followed mishap of any kind that might chance to fall, so now it became a proverb, when anything was spoiled, to say 'the Bishop's foot is in it'; and to attribute to the prelates, not only the mal-administration of spiritual matters, but such civil grievances as 'the multitude of monopolies and patents, the large increase of customs and impositions on commodities, and any other great burdens upon the Commonwealth.' 'Divinus' might be the fitting description of a bishop when acting according to the rules of his scriptural appointment, that is, as a presbyter; 'humanus' of a bishop chosen by presbyters to be their president, and to rule by fixed laws and canons; but 'diabolicus' was the only sufficiently expressive epithet for an Anglican bishop 'lording it, as he did, over God's heritage, holding sole power of ordination and jurisdiction, and governing by his own will and authority.' Just as the monk, who at his simple meals had been wont to cover the table with a fishing-net that he might be constantly reminded of the homely occupations of the chief of the Apostles, discarded this emblem

of humility after his promotion to high office, with the remark that 'he had no further use for it, since he had caught the fish'; so even the most learned and seemingreligious ministers inevitably lost all divine virtues and graces on their advancement to episcopacy. became tyrants in the Church, carried all things before them in convocation and court, and compelled those who would take orders 'to subscribe themselves slaves, and take an oath withal, which either straightway perjured or split their faith.' They were papists down to their very tippets, lawn-sleeves, hoods, and four-cornered caps; their offices and jurisdiction was the same way of government as that existing in the Romish Church, the vestures and ceremonies which they advocated being those which were in England in time of popery, and the liturgy being framed out of Romish breviary rituals and mass-book. They 'hoarded up pelf, sought to be potent in secular strength in lands, lordships, and demesnes, to sway everything in High Courts and Privy Council, and to get within their grasp the high and principal offices of the country, until they grew "like Aesop's hen, so fattened with barley that it could lay no more eggs."' And, meanwhile, the clergy were so poor that they could not attend their ministry, but were fain to keep schools, nay, even alehouses; and the Church was suffering, as it were, from the disease known as 'the rickets,' wherein all nourishment goes to the upper parts, which are overgreat and monstrous, while the lower parts pine away.

Moderate men, such as Falkland, Colepepper, Digby, Rudyard, Selden, and Grimstone, while advocating

retrenchments of clerical and episcopal power, were still for retaining an episcopal constitution of the Church. They recommended, therefore, that the bishops should be deprived of their temporal titles, powers, and employments, and be excluded from all state offices and even from parliament; that their spiritual power should be limited, and a more democratic element be introduced into the system of Church-government. Episcopal revenues ought not, however, to be appropriated to state purposes, but should be devoted under a proportionable and orderly system of distribution to the maintenance To make the clergy a contemptible of the clergy. vocation, not to be desired by the basest of the people, would be to bring in barbarism; and a good minister ought to have a far greater proportion to live upon than any other man of an equal condition, 'for he is not bred to multiply threepences, and it becomes him not to live mechanically or meanly. For my part,' concluded Sir Benjamin Rudyard, 'I think nothing too good for such a Burning and shining lights deserve to be set in good candlesticks.'

But the days when moderation was possible were past. In February, 1642, bishops were excluded by statute from the House of Lords; and, on the acceptance by the commons of the Solemn League and Covenant in September, 1643, episcopacy was abolished. On Jan. 10, 1644, Archbishop Laud was executed on Tower Hill; and, a year later, the Directory, the work of the laymen, English Puritan divines, and Scotch Presbyterian ministers, who formed the Westminster Assembly

was established as the only legal service book in England.

Finally, in March, 1646, parliament ordered the establishment of Presbyteries all over England, which were to govern ecclesiastical affairs under the general supervision of Parliament. The Catholic form of Church government was definitely superseded, and the Primacy of England ceased to exist.

PARLIAMENTARY SUPREMACY

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CHAPTER IX.

'THE DUSK OF THE GODS.'



Church and Crown were driven from England. Years passed over them in exile; and then, at the end of the days, Church and Crown had their own again.

On September 3, 1660, congé d'élire was granted to the chapter of Canterbury; and on the 20th, the election of William Juxon to the archiepiscopal see was confirmed in Westminster Abbey amid a great concourse of clergy and laity, and with every sign of rejoicing. On October 4, the same place witnessed the confirmation of Acceptus Frewen in the see of York; and thus the primacy of the Anglican Church was again fully restored. Prelates who had survived the eighteen years of the Church's suppression, resumed all the ecclesiastical powers of their former offices; and such sees as lay vacant were re-filled. Finally, by an Act of the Convention Parliament of 1660, parish clergy, to the number

of about a thousand, were reinstated in the benefices from which they had been ejected at the beginning of the troubles.

Further favours were showered upon the Church, when in the following year the Convention Parliament was succeeded by one, which Macaulay has described as being 'more zealous for royalty than the King, more zealous for episcopacy than the bishops.' Property all over the kingdom changed hands again, and bishops, deans, and chapters re-entered on their confiscated estates, and ejected even bona fide purchasers. When the question-What was the right method of dealing with such problems as changes in religion?—had been discussed in the Convention Parliament, Mr. Broderick, Lord Falkland, Mr. Peckham, and others had urged that such matters should not be lightly enterprised without the aid of clerical experts. The last-named member had quoted 'a case in a trial in Westminster Hall, where the judges sent for a falconer about a hawk, saying "Cuilibet in arte sua," and had then moved that a synod should be called, "lest, going further, the commons should be like little boys, who learning to swim go out of their reach and are drowned" (Cobbett, Parl. Hist. iv. 29). The settlement of 1662 proceeded accordingly on, what Archbishop Wake has declared to be, 'the most undoubtedly authoritative way of establishing constitutions, which are of a more than ordinary concern to the Church and realm.' The King first granted his commission under the Great Seal to several bishops and divines to review the book of Common Prayer, and to

prepare such alterations and additions as they should think fit to offer. After the discussions of this select committee had been completed, he caused the matter to be examined and concluded in the convocations of the two provinces. Then, having reviewed it himself, with his Privy Council and his counsel learned in the law, he finally referred it to his two Houses of Parliament, where, being consented to and approved of, he subscribed to it himself and made it part of the Statute Law of the realm' (Wake, Authority of Christian Princes over Ecclesiastical Synods). 'All went merry as a marriage bell.' The lords returned thanks for the labour spent on the work by the clergy; and the commons. although asserting that the amendments which had been made in the Book by Convocation might have been debated by order of the House, decided not to exercise their right.

But, in spite of appearances, the primacy, which was restored in 1660, was not the primacy which had been abolished in 1642.

From the Reformation, when temporalty and spiritualty had been brought together under the Crown, down to the Great Rebellion, the paramount authority of the sovereign had been sufficient to keep the conflicting interests of the two bodies apart, and to regulate their joint action on the lines laid down in the great Reformation Statutes. Under those Statutes 'the Church had been formally committed to placing the enactment of canons under the restraint of prior permission and posterior confirmation by the Crown; but by a Crown,

the wearers of which were enabled by their position, and in fact accustomed, to rule with a strong hand the temporal, no less than the spiritual, estate; by a Crown, the wearers of which had been wont to consult the synods of the Church in accordance with the formal declaration, which had been embodied in the preamble of one of those great statutes, that the spiritualty of England, with its own constitutional organisation, was entirely competent to deal with all matters of ecclesiastical legislation, and was accustomed so to do, just as the temporalty dealt with questions of temporal right. Again, she had been committed to the exercise of all jurisdiction for her own purposes, subject to the authorization of the sovereign; but of a sovereign, who was at once a member of her communion himself, and also the head of a civil government, all whose component members owed to her spiritual allegiance; of a sovereign, whose obvious duty it was to be the guardian of the religious, as well as of the civil, liberties of the subject, and to provide for each respectively, namely, by taking care that the law affecting each should be administered, so far as might depend upon his choice, by the persons best acquainted with their tenour and most deeply imbued with their spirit.' At times, indeed, the Royal Supremacy, which had been thus established, had amounted to a tyranny. At times the Church had been involved in contests with the State as to their reciprocal rights and duties. But throughout the period, in spite of tyranny and controversy, the great principle had been maintained that the work of the Church should be carried

out by Churchmen, and that the Church herself, subject to the supervision of the Crown, was a 'societas perfecta, with its own magisterium, and with its own legislative, judicial, and executive authority, supreme in its own sphere, and independent of the civil power.'

But the permanent political and constitutional results of the Great Rebellion and the Restoration were such as to change all this. Though the cause of monarchy was gained, that of absolute monarchy was lost; and though the Church was re-established, it was patently the Church, not of the nation, but of a majority only. Before the generation had passed away, which had welcomed the Restoration with such blind enthusiasm. the Revolution had finally transferred the ultimate decision in the State from Crown to Parliament; and the nation, by rejecting a Comprehension Scheme and accepting a Toleration Act, had admitted that the fusion of distinct and antagonistic religious systems was beyond the wit of man to accomplish; and that, where comprehension was impossible, a grant of religious liberty to all was unquestionably necessary. And, as parliament continued to coerce the sovereign, and as other religious communities gradually attained, first to full toleration, and then to civil equality, the Church eventually found that the King, to whose guardianship she had submitted herself at the Reformation, 'the King, who was both a member of her communion himself, and the head of a civil government, all whose component members owed to her spiritual allegiance,' had made way for one 'having political relations to maintain of such a kind as to impair the freedom of his personal conscience as a member of that communion; to impose upon him the duty, or supposed duty, of maintaining a spiritual relation with other religious bodies; and to reduce his sonship of the Church to neutrality or a moral zero'; and that the sovereign who had been able to act for himself, had given place to the sovereign who must act through the medium, or under the control, of ministers virtually chosen by a majority in a parliament comprising men of any, or of no, religious belief and denomination (Gladstone, Royal Supremacy).

As the ecclesiastical supremacy thus gradually passed in effect from sovereign to parliament, those features which had marked the independent corporate existence of the Church as distinct from the State, gradually became more and more indistinct. She could no longer be regarded as the representative branch, established in England, of a society much larger and wider and older than the English nation, for she was out of the unity of the Catholic Church; she was rejected by the Greek Church, and held no communion with the Protestant Churches of Sweden, Denmark, Germany, France, and And now the civil power, which had Switzerland. established, and for long maintained, her in a position of superiority to other religious communities, had begun to regard her exclusive social and political privileges and her religious monopoly with jealousy; and although she might still claim to be sufficient within herself for the decisions of all questions of doctrine and discipline, and although she might claim to be protected by law in her

right, she was in fact being gradually suspended by law from all legislative, judicial, and executive powers. From the Restoration onwards, therefore, the history of the spiritual imperium of the primates is a history of decay.

The rights and privileges which were attached to that spiritual imperium at the Restoration are set out in a correspondence which passed between Gilbert Sheldon, Archbishop of Canterbury (1663-1677), and Andreas Olzowski, who styles himself 'Dei gratia archiepiscopus Gnesnensis, legatus natus regni Poloniae, et magni ducatus Lithuaniae primas primusque princeps' (Wilkins, Concilia, iv. 596-7). The Archbishop of Gnesen, to one of whose predecessors Leo X had granted, in 1515, the pre-eminence, honours and authority belonging to legati nati, and 'especially such as were customarily enjoyed by legates of Canterbury,' wrote in the year 1675 to enquire of his brother archbishop what these latter privileges might have been. A year later, Gilbert replied, explaining, as a reason for this delay, that most of the archives and muniments of his see had been either destroyed or stolen. He attributed the existence of the extraordinary privileges of his see to the independent attitude maintained by the early British Church, and to the claim of its primates to exercise patriarchal jurisdiction. On the exact point which had been submitted to him, he had indeed little to say, and that little was vague and untrustworthy. In fact, he merely quoted a letter of Pope Formosus (892-896), recognizing generally the right of archbishops of Canterbury to exercise legatine powers; and this letter appears in a series of documents condemned by Messrs. Haddan and Stubbs as spurious or questionable (Eccles. Docum. iii. But the Archbishop concluded with a statement of the rights and privileges which had always been, and were still, enjoyed 'by primates and metropolitans of all England, the first peers of the realm.' They had the right to crown the King, to grant dispensations, to confirm and consecrate suffragans, to maintain a general supervision over them, and on their deaths to take charge of the spiritualities of vacant sees. They were entitled to exercise visitatorial powers throughout their province, to summon and preside over provincial councils, and to hear appeals from inferior ecclesiastical judges.

But while the Archbishop wrote, his kingdom was departing from him.

Metropolitical visitations, which had been frequent in the days of Parker, Grindal, Whitgift, and Piers, were not repeated after the united visitation of Laud and Neile in 1634.

As to confirmation and consecration of suffragans, it may well be doubted whether the exclusive right of a metropolitan to perform these offices could be viewed any longer in the light of a privilege. If the construction put upon the Act, 25 Henry VIII, chap. 20, in the case of Dr. Hampden (2 Q.B., 483), be correct, confirmation of the election of bishops, which had once been a real transaction judicially conducted by a spiritual superior in virtue of a jurisdiction from the earliest times

inherent in him,—an act, coming after, and by way of review of, the election, which involved an inquiry into the regularity and sufficiency of the election, and into the qualification, as well as the identity, of the person elected,—had been reduced by that statute from a judicial to a purely ministerial act. And though the metropolitan was still compelled to proceed according to the same judicial form, and all the same religious rites as he had been accustomed to before, when it was no form but all in substance what it seemed to be, all this was but a shadow and a sham. He had no discretion as to the acts which he was commanded to perform, but must confirm and consecrate within a specified time the person elected, or incur the penalties of the Statute of Praemunire.

A death blow had been dealt to convocation, when the clergy, in the year 1665, surrendered the right of granting their own subsidies apart, and submitted to be This change, which Gibson, taxed by the commons. Bishop of London, declared to have been the greatest alteration in the constitution ever made without an express law, was settled by a verbal agreement between Archbishop Sheldon and the Lord Chancellor Clarendon, and was tacitly acquiesced in by the clergy in general as a great ease to them in taxation. 'They thought, it is possible, that the expectations of the court might be set too high upon them this way, and that the commons were often discontented unless they charged themselves and swelled their subsidies beyond a reasonable proportion.' The first public Act of any kind relating to it was

an Act of Parliament in 1665, by which the clergy were, in common with the laity, charged with the tax given in the Act, and were discharged from the subsidies which they had already granted in convocation. In this Act there is an express reservation of the right of the clergy to tax themselves in convocation, if they think fit, but this has never been done since, nor attempted; and the clergy have been constantly from that time charged with the laity in all public aids to the Crown by the House of Commons, while, in consequence of this, without the intervention of any particular law for it, they have assumed, and without any objection enjoyed, the privilege of voting in the election of members of the House of Commons, in virtue of their ecclesiastical freeholds (Burnet, History of his own Times, vol. iv. 508).

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The clergy, being henceforward in no condition to give subsidies to the Crown, it was not long before 'their convocation meetings were sometimes discontinued, lay by for want of a royal license, and grew less regarded when their grievances were offered.' During the reign of Charles II, little was transacted in either province after the revision of the Liturgy had been completed. Although on two occasions the House of Lords moved the King, 'to direct the archbishops that Convocations might meet more frequently, and that, when they did meet, they might make to his Majesty such representations as might be for the safety of the Church'; the clergy were no longer suffered to deliberate, pass canons, or investigate the conduct, or regulate the concerns of

the Church. Convocations were indeed summoned, and the members met, but merely as a matter of form: for a royal mandate immediately arrived, and an adjournment, prorogation, or dissolution followed. Such assemblies had become, in the words of Cardwell, 'an empty They were of no value to the government: they were regarded with some degree of jealousy by the bishops; and attendance on them was irksome and harassing to the lower clergy, who were kept in London. at no small charge, to do nothing but only to hear a Latin Litany. In the troublous times of James II, when all the energies of the Church were needed, and its individual members, entering boldly into the conflict, were the means of saving both the Church and State from impending destruction, convocation remained silent.'

From this lethargy it was aroused by the Revolution. In 1689, after the Comprehension Bill had been introduced, William III agreed to a joint petition of the lords and commons, praying 'that, according to the ancient practice and usage of the kingdom in time of parliament, his Majesty would be pleased to issue forth his writs for calling a convocation to be advised with in all ecclesiastical matters'; and synods, therefore, met in both provinces. By the royal commission they were authorized 'to make such review of the canons and such reform of the ecclesiastical courts, and to treat of such changes in rites and ceremonies, as seemed desirable according to the exigency of the time'; but such was the opposition shewn by the lower clergy to the alter-

ations which were proposed for the purpose of comprehending dissenters within the Church, that the assemblies were dissolved without being allowed so much as to enter upon such business. The next ten years elapsed without any synodical proceedings beyond mere meeting and adjournment, and during this period those differences between the upper and lower houses sprang up, which divided convocation against itself and eventually brought it to its fall. While the lower clergy remained, as a body, Tory and orthodox, vacancies on the episcopal bench, which had been caused by the deprivation of the non-jurors, were filled with members of the Whig-Latitudinarian school, Liberal in religion and politics alike, and who considered as trifling the differences which kept apart Churchmen and Dissenters. plaints were rife that the bishops, and more particularly the Archbishop of Canterbury, looked so much to their own interests that they forgot the interests of the Church, or rather betrayed them. And this distrust of their superiors excited among the inferior ranks of the clergy by the summary methods which Tillotson and Tennison, as primates of all England, employed to stifle synodical discussion, was further stimulated by a literary warfare, which commenced in the year 1696 with the publication of the anonymous 'Letter to a Convocation Man,' and was continued for some years after: in the course of which the rights of convocation to meet in time of parliament, and to discuss and consider, without having previously received letters of business from the Crown, matters about which it might eventually

want to legislate by canon, and the co-ordination in every respect of the lower house with the house of bishops, were asserted or denied with much bitterness by such distinguished disputants as Atterbury, Wake, Gibson, Kennet, and Hody.

Disputes began as soon as convocations, in the year 1701, under a Tory government, were again allowed to The house of bishops possessed certain deliberate. privileges in the way of control over the conduct of synodical business, 'which had resulted naturally from the authority they possessed individually over their respective presbyters, from the higher degree of sacredness attached to their order, and from the constitution of early synods, consisting, as they had done, of bishops and prelates only, the lower clergy having been called together originally for advice and counsel, and not acquiring a distinct and permanent interest till they were found useful for the purpose of granting subsidies.' This disparity between the two houses the lower clergy were now eager to set aside, and, 'making a large use of their alleged analogy with the commons in the constitution of parliament, they insisted that they had the right to declare their own adjournments, and that the Archbishop had no power to adjourn them at will, and thus hinder and break off all debate; that they could hold intermediate sessions at pleasure, independently of prorogations issuing from the president; and that they could demand a free conference between the two houses.' Unseemly wrangling on these points henceforth marred the meetings of convocations; and that, too, when, on

several occasions between the years 1701 and 1717, they were empowered to draw up canons; and when, as late as 1715, the King's license referred to their consideration such important matters as the regulation of proceedings in excommunication, the preservation of terriers and accounts of glebes and tithes, the regulation of marriage licenses with a view to the prevention of clandestine marriages, the preparation of forms for the consecration of churches, and the settlement of the qualification titles and testimonials of candidates for ordination. discord was occasioned by the effort made by the lower clergy to revive, in the cases of Toland, Bishop Burnet, Whiston, Samuel Clarke, and Bishop Hoadley, those judicial functions in the cognizance of heretical doctrines persons and books, which, before the erection of the Court of High Commission, had been exercised by convocation as a court attendant on, and assessing to, the Although such a right of jurisdiction was Archbishop. admitted by eight out of twelve judges in Whiston's case (1711), an attempt to exercise it eventually brought about the extinction of convocation. In the year 1717. the lower house drew up a hostile representation respecting Bishop Hoadley's 'Preservative against nonjurors,' and his 'Sermon on the kingdom of God'; but it had not been laid before the bishops, when the King's government sent down a writ of prorogation, and, from that time onward, convocation was doomed to silence (Cardwell, Synodalia, etc).

'The feud between the two houses had sunk deep into the memory of the nation, and had tainted in public

opinion the very nature of a synod.' For nearly a century and a half, convocation was not allowed to deliberate. Royal writs, however, still continued to be sent out as before, simultaneously with the summoning of parliament, directing the archbishops to call their respective convocations; and when parliament had actually met for the despatch of business, the two convocations were opened with much pomp on the day following, that of Canterbury at St. Paul's, that of York in the metropolitical church of the province. In the south, the primate of all England, having his train borne by a gentleman usher, and being followed by his chaplains in court costume, attended by the Dean of the Arches with the advocates and proctors of Doctors' Commons, and accompanied by the bishops and the capitular and diocesan proctors, crossed in solemn procession from the chapter house in St. Paul's Churchyard to the Cathedral, where the Litany was said in Latin, and a sermon delivered in the same tongue by a special preacher. The procession then left the choir for the chapter house within the Cathedral; and, the bishops being seated and the clergy standing, the royal writ of 'Convocari Faciatis,' and the certificate of the due execution by the Bishop of London of the archbishop's mandate to cite the province, were read; and then, after the clergy had been directed to retire to their accustomed place of meeting to elect a prolocutor, the archbishop continued the convocation to the next day at Westminster. There, on the following day, the session opened in the Jerusalem Chamber with a special service, wherein

prayer was offered up, that the assembly, with divine assistance, might be enabled by its forthcoming deliberations and decisions to promote the honour and glory of God and the well-being of the Church. But after this solemn invocation, nothing followed but the confirmation of the election of the prolocutor and the adoption of a loyal address to the Crown: for the archbishop then read a schedule proroguing the whole assembly to some distant day, and the convocation stood adjourned, the archbishop having power to re-assemble it at his pleasure. At the end of the session of parliament, the royal writ issued for the prorogation of convocation also; and this was immediately executed by the archbishop or his commissioner. At the next session of parliament, convocation assembled with the same ceremonial, again addressed the Crown, and was again prorogued by the archbishop till another writ of prorogation issued from the Crown. Convocation was thus continued in being until the dissolution of parliament; when a writ was issued to the archbishop to dissolve it also. Much the same course, but accompanied by less empty ceremony, was observed in the north. decline of the convocation of York had commenced at an earlier date than that of Canterbury. For long, the bishops had ceased to attend in person; no prolocutor appears to have been appointed after the year 1661; the last convocation mentioned in the archives is that which met in the year 1698; and, in 1701, the very existence of such a body seems to have been overlooked, for, on the summoning of a new parliament, no

writ for the province of York was issued (Atterbury, Rights of Convocation, 2nd ed. (1701), preface). After the year 1717, then, the whole form observed at the opening of the northern convocation, seems to have consisted in calling over the names of members, pronouncing the absent to be contumacious, decreeing to proceed, and then continuing or adjourning to a future day (Trevor, Convocations of the Two Provinces).

To such a vain and empty show were convocations reduced. And, as the unconstitutional suppression of debates continued to be enforced, these clerical parliaments gradually became mere matters of history; and in the first half of the nineteenth century, all that Churchmen, excepting a few antiquarians, knew of them, was 'that they had once been active; but that of late a few clergymen, chosen they knew not how, met two or three bishops, they knew not where, and presented an address to the Crown, for what purpose they could not tell' (Warren, Synodalia, 1853, p. 2).

¹ The last fifty years have witnessed a revival of convocations. At length Churchmen were found who were prepared to emulate Dr. Johnson in his readiness 'to face a battery of cannon in order to restore those clerical parliaments to their full powers.' In 1852, the view held by the archbishops of the day, and their advisers, that no discussions could be held without the issue of letters of business by the Crown, was corrected by an elaborate opinion given by Dr. (afterwards Sir Robert) Phillimore, Sir F. Thesiger, Attorney-General, and Sir W. Page-Wood (afterwards Lord Hatherley), who held that convocation was not competent to debate upon or to promulge canons without the royal license, but that it could consider any address to the Crown for a license of debate or any other matter, without its members incurring the penalty of praemunire. They practically showed that a royal license was not necessary for preliminary discussions

The last privilege which Sheldon had claimed for archbishops, was that of hearing appeals from inferior spiritual courts; but, under parliamentary supremacy, this right also, in spite of the declaration, which had been made in the great Reformation Statutes, of the competence of the spiritualty to declare and determine the law of the Church, was soon infected by the same slow but sure decay which was gradually effacing all features of the ancient spiritual imperium. account of the progress of the disease would be tedious; and the following are probably the most important of the details by which it was marked. In the composition of the supreme court of appeal in ecclesiastical causes. the strictly lay element grew in strength, while the spiritual was gradually eliminated, until, at last, bishops were excluded from all the twenty-eight appeals in

concerning the need for a canon, but only for its being framed or promulged; and since that year Convocation of Canterbury, and, since 1861, that of York, have become deliberative assemblies. They have revived also their right to censure books, and on some few occasions have been permitted to alter and re-enact canons. A wide-spread desire, indeed, has sprung up in the direction of the constitution of a national synod, in which churchmen, both clerical and lay, should be represented. Since 1886, a House of Laymen, elected by the lay members of the diocesan conferences, has met with convocation, in order to give to that body the aid of lay counsel on questions submitted to it. At the present moment, there are suggestions for an early joint meeting of the convocations of the two provinces in the new Church-house, which was opened in February, 1896. Union is force; and the conciliatory words of both archbishops at the opening of the Church-house, and the thoughtful provision by the architect therein of a presidential throne ample enough to accommodate both prelates side by side, would seem to augur well for the judicious concentration of the forces of the primacy of England.

cases of doctrine and discipline, which were brought up to the court of delegates from the courts of the archbishops between the years 1751 and 1838; and since the powers of the court of delegates were transferred by the Acts 2 & 3 Will. IV, ch. 92, and 3 & 4 Will. IV, ch. 41, to the Judicial Committee of the Privy Council, decisions in the archiepiscopal courts on points of doctrine and discipline have been subjected to the final judgment of a tribunal, composed of a number of persons, of whom all must be laymen; a very small proportion only could be civilians; and none of them, except the Lord Chancellor, need be members of the Church of England. In the second place, the efficacy of ecclesiastical courts generally has been impaired by the uncertain state in which the authority of Church law has been left. As the review of the canon law contemplated by the statute, 25 Henry VIII, ch. 19, has never yet been perfected, it would seem that, under the limitations of that statute, all canons, then existing, which are not contrary to the laws of the realm or the royal prerogative, and which also have been adopted into our system, are binding both on clergy and laity. But as to the force of canons made in convocation since the abovementioned Act, such as the various bodies of constitutions made under Elizabeth and those enacted by the clergy in 1603, a change of opinion appears to have taken place. When they were issued, royal confirmations pronounced them to be binding upon both clergy and laity; and that they were generally admitted to be so, is shewn by the fact that the commons in 1603, and

1642, were clearly of opinion that such currency could not be denied to canons when published with the sanction of the supreme governors of the Church, except by the passage of a statute enjoining the further necessity of an express confirmation of them by parliament. or by bringing them under the proviso of the Statute 25 Henry VIII, ch. 19, which declared void all canons which infringed the royal prerogative or the law of the realm. And that canons, which did not so offend, and which were confined to Church matters, when made with the licence and assent of the king under the Great Seal, were properly laws of the land, and bound laymen as well as clergymen, was the judgment of the law-courts under Charles II (Grove v. Elliot, 2 Ventris Rep., 44). and of so eminent an ecclesiastical lawyer as Bishop Gibson in 1713 (Codex, 2nd. ed., 1761, Introd. xxviii). But this view was overruled by Lord Hardwicke in 1736, when he held that the canons of 1603 do not bind the laity, when they are not merely declaratory of the ancient law and usage of the Church of England received and allowed here; whatever authority, the clergy may be bound to pay them (Middleton v. Croft, Stra., 1056.)

And finally, the extent of the jurisdiction once exercised by the ecclesiastical courts in civil and criminal causes, has been abridged in a variety of ways. Suits as to the rights of presentation and of admission to a benefice, which were of frequent occurrence in the seventeenth century, seem to exist at the present day only in the form of a duplex querela, a cause instituted

by a clergyman presented to a benefice, to compel the bishop to admit him. The adjudication of suits for tithes and for rates of small amount, was transferred in many cases to the civil magistrates, under a series of statutes beginning in the reign of William III; and such causes have now almost disappeared since the Tithe Commutation Act (6 and 7 Will. IV, 71), and the Act for the Abolition of Compulsory Church Rates (31 The jurisdiction of the ecclesiasand 32 Vict., c. 109). tical courts in suits for defamation, after being much restricted by the Act, 27 George III, c. 44, was abolished in 1855 (18 and 19 Vict., c. 109); and, two years later, the great classes of testamentary and matrimonial causes were transferred to purely lay tribunals (20 and 21 Vict., cc. 77 and 85). Practically speaking, all civil jurisdiction as to the laity, except such as rebates to the fabric and ornaments of the church, church-yard, and churchwardens, has ceased to be exercised by the spiritual courts (Eccles. Courts Comm. Rep., 1883, Hist. Append. ix). In like manner, their penal jurisdiction has been gradually confined to a very small field. From Archdeacon Hale's Precedents in Criminal Causes (1475-1640). extracted from act-books of ecclesiastical courts in the diocese of London, it is clear that, up to the Great Rebellion, the Church maintained her discipline 'pro salute animae' in full activity; and that 'such persons as were notorious sinners, were being constantly put to open penance and punished in this world, that their souls might be saved in the day of our Lord, and that others, admonished by their example, might be more

afraid to offend.' Excommunication, penance, suspension 'ab ingressu ecclesiae,' suspension from office, and deprivation, were frequently inflicted as punishments for offences against ecclesiastical law; as for simony, non-residence, neglect or irregular performance of duty by clergymen; the failure to render proper accounts by church-wardens, or the making of alterations without a faculty; and for heresy, non-conformity, immorality, or brawling, by either clergymen or laymen.

But such jurisdiction has been gradually restricted; partly by the provision of concurrent remedies in civil courts; partly by the effect of various toleration-acts, which have limited its application in cases of nonconformity and recusancy; and, lastly, by positive enactments, as the act abolishing it in the case of brawling by laymen in church (23 & 24 Vict. c. 32). And where it has not been actually annulled, it has been allowed to fall into abeyance, as being no longer in harmony with modern ideas. Church-discipline, as to the laity, has become a dead letter; the last infliction of a sentence of excommunication, and the last performance of penance, being questions of antiquarian discussion in 'Notes and Queries.' Discipline, as to the clergy, has sunk into a state of scandalous decrepi-Ecclesiastical courts of first instance lie in a state of suspended animation, and 'chancellors, the majority of whom are practising barristers, prefer to conduct diocesan business, as far as possible, in London chambers. In many cases, the ancient consistory courts have been shut up for years, or have been converted into receptacles for brooms, coals, and broken articles; and the recollection of having witnessed a sitting of such a court is often a favourite feat of memory displayed by the oldest inhabitant of some venerable cathedral city.'

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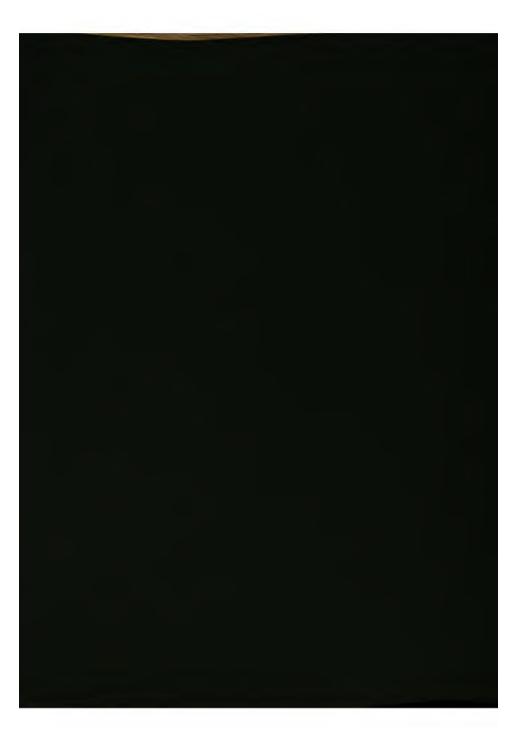
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